

THE PRESS...Extra.

Public Laws of the State of Maine, passed by the 49th Legislature, A. D. 1870.

Chapter 77.

AN ACT relating to evidence.
Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. That copies of all papers and documents belonging to or filed, or remaining in the office of any consul, vice-consul, or commercial agent of the United States, and of all official entries in the books or records of any such office, shall, when certified under the hand and official seal of the proper consul, vice-consul, or commercial agent, be admissible in evidence.

SECT. 2. This act shall take effect when approved.
[Approved January 21, 1870.]

Chapter 78.

AN ACT to increase the salary of the Judge of Probate for the county of Waldo.

From and after the first day of February, eighteen hundred and seventy, the salary of the judge of probate for the county of Waldo shall be four hundred dollars, instead of the sum now allowed by law.
[Approved January 21, 1870.]

Chapter 79.

ACT to amend section one, chapter one hundred and fifty-seven, of the public laws of eighteen hundred and sixty-eight, relating to the continuance of actions against parties filing petitions in bankruptcy.

SECT. 1. Section one of chapter one hundred and fifty-seven of the public laws of eighteen hundred and sixty-eight, is hereby amended by adding after the word "bankruptcy," in the fifth line, the words "or has been adjudicated a bankrupt on petition of his creditors," so that the section shall read as follows:

SECT. 1. In all actions pending in any court or before any justice of the peace for recovery of any debt provable in bankruptcy, or of a character such as would be discharged by bankrupt's certificate, when it shall appear that the defendant or any one of the defendants has filed his petition in bankruptcy, or has been adjudicated a bankrupt on petition of his creditors, either before or after the commencement of the suit, the action shall be continued until the proceedings in bankruptcy are closed, unless the plaintiff shall thereupon strike such bankrupt's name from the suit, which he may do without costs; provided however, such defendant shall use due diligence in the prosecution of his bankrupt proceedings, and if he fail to do so after one term's notice in writing from plaintiff, the court may, in their discretion, refuse a further delay.

SECT. 2. This act shall take effect when approved.
[Approved February 1, 1870.]

Chapter 80.

AN ACT additional to chapter twenty-seven of the revised statutes, relating to licenses of innholders and victualers.

SECT. 1. The municipal officers, treasurer and clerk of any city or town may, at any meeting notified or held in accordance with the provisions of section one of chapter twenty-seven of the revised statutes, revoke any licenses which they may have granted to any innholder or victualer, whenever in their opinion there is sufficient cause for so doing.

SECT. 2. This act shall take effect when approved.
[Approved February 2, 1870.]

Chapter 81.

AN ACT additional to an act entitled "An Act authorizing any city or town in this state to raise money to aid in the construction of any railroad in this state," approved February twenty-eight, one thousand eight hundred and sixty-seven.

SECT. 1. Legal meetings in cities contemplated in the first section of an act entitled "An Act authorizing any city or town in this state to raise money to aid in the construction of any railroad in this state," approved February twenty-eight, in the year of our Lord one thousand eight hundred and sixty-seven, shall be called, notified and warned by the mayor and aldermen of such cities, whenever directed by the common council of such cities, in the same manner that meetings for the election of municipal officers of such cities are now called, notified and warned, and such common council shall, in their order directing the mayor and aldermen to call such meeting, set forth in substance the proposition to be submitted to the legal voters by such warrant. At such meetings the legal voters shall vote in their respective wards by writ'en or printed ballots, those in favor of the proposition submitted by the warrant calling such meeting, having on their ballots the word "yes," and those opposed to said proposition having on their ballots the word "no." The ballots given in shall be sorted, counted and declared in open ward meeting, and shall be registered in the ward records. The clerk of each ward shall make return of all the ballots given in in his ward, and the number in favor of the proposition submitted by the warrant calling such meeting, and the number of ballots against said proposition, to the board of aldermen of such city. Such board shall examine said returns, and if two-thirds of the whole number of ballots cast are in favor of the proposition submitted by the warrant, then the municipal officers of such city shall forthwith proceed to carry the same into effect according to the provisions of the act to which this is additional.

SECT. 2. This act shall take effect when approved.
[Approved February 4, 1870.]

Chapter 82.

AN ACT to amend section twenty-four of chapter fifty-one of the revised statutes, relating to trespasses on adjoining land.

Section twenty-four of chapter fifty-one of the revised statutes is amended as follows, by inserting in the second line of said section, after the word "superintendent," the words "or treasurer, or by leaving the same at the office of either," and by striking out in the fourth line of said section the word "thirty," and inserting therein the word "seven," and striking out all of said section after the word "dollars," so that said section as amended shall read as follows:

SECT. 24. The owner of land adjoining a railroad may give written notice to its superintendent or treasurer, or by leaving the same at the office of either, that such fence is not made, or that it needs

repair. For neglect to make or repair it for seven days after such notice, the corporation forfeits to such owner one hundred dollars.

[Approved February 7, 1870.]

Chapter 83.

AN ACT to repeal chapter fifty-three of the acts of eighteen hundred and fifty-eight, and sections thirty-two, thirty-three and thirty-four of chapter eighty-four of the revised statutes, and to amend section thirty-one of the same chapter, relating to levy of executions against towns.

SECT. 1. Chapter fifty-three of the public laws of eighteen hundred and fifty-eight, and sections thirty-two, thirty-three and thirty-four of chapter eighty-four of the revised statutes are hereby repealed.

SECT. 2. Section thirty-one of chapter eighty-four of the revised statutes is hereby amended by striking out in the second and third lines the following words, viz: "and any inhabitants who voluntarily pays his due proportion, or is compelled to satisfy such warrant in whole or in part," so that said section as amended shall read as follows:

SECT. 31. The owner of any real or personal estate so sold may recover against the town, in an action of assumpsit, the full value thereof with interest at the rate of twelve per cent yearly, with costs of suit; and may prove and recover the real value thereof, whatever was the price at which it was sold.

[Approved February 11, 1870.]

Chapter 84.

AN ACT additional to an act to provide for the restoration of the records of the Court of Probate for the county of Cumberland.

SECT. 1. Whenever it shall clearly appear to the judge of probate within and for the county of Cumberland that a will was made and probated, and destroyed by the fire in Portland, on the fourth day of July, in the year of our Lord, one thousand eight hundred and sixty-six, and that letters testamentary have not been taken out thereon, nor letters of administration granted with the will annexed, to any person or persons, and that said will cannot be proved by attested copy thereof, and that the person so deceased has left estate which should be administered upon for the payment of debts and other charges, said judge of probate may grant special administration upon said estate to some suitable person, who shall be clothed with all the powers and subject to all the duties, now granted by law to special administrators.

SECT. 2. The judge of probate for said county may grant such special administrator license to sell and convey personal and real estate of the deceased, in the same way and manner as now granted to administrators, when necessary for the payment of debts and charges of administration, and such special administrator shall account to the judge of probate for the proceeds of said sales.

SECT. 3. Said judge of probate may make an allowance out of said estate, or from the proceeds of said sales, to the widow and minor children of the deceased, according to their circumstances, and direct the special administrator to pay such allowance and charge it in his account with said estate.

SECT. 4. All Acts inconsistent with the foregoing are hereby repealed, and this act shall take effect from and after its approval.

[Approved February 11, 1870.]

Chapter 85.

AN ACT establishing the school week and month.

SECT. 1. In the absence of any agreement to the contrary, five and one-half days shall constitute the school week, and four weeks shall constitute a school month.

SECT. 2. This act shall take effect when approved.
[Approved February 11, 1870.]

Chapter 86.

AN ACT to amend the eighth section of chapter one hundred and ninety-one of the public laws of one thousand eight hundred and sixty-eight, relating to roads in unincorporated townships and tracts of land.

SECT. 1. The eighth section of chapter one hundred and ninety-one of the public laws of one thousand eight hundred and sixty-eight, is hereby amended by substituting "June" for "July" in the first line of said section, so that, as amended, said section shall read as follows, to wit:

SECT. 8. If by the fifteenth day of June following in each year, the owners of such lands shall repair such roads to the acceptance of the commissioners, after an actual examination by one or more of their board, the assessment shall be thereby discharged, otherwise it shall be enforced as hereinafter provided, and the agent shall proceed immediately to repair such roads.

SECT. 2. This act shall take effect when approved.
[Approved February 11, 1870.]

Chapter 87.

AN ACT to provide for payment of counsel assigned to persons charged with capital offences.

SECT. 1. Competent counsel shall be assigned by the court in capital cases when it appears that the accused has not sufficient means to employ counsel, and reasonable compensation shall be allowed by said court, to be paid out of the state treasury.

SECT. 2. This act shall take effect when approved.
[Approved February 12, 1870.]

Chapter 88.

AN ACT to amend section one of chapter thirty-nine of the revised statutes, relating to the inspection of lime.

SECT. 1. The eighth and ninth lines of section one of chapter thirty-nine of revised statutes are hereby amended by striking out the words "Thomaston" and inserting "Rockland," "ten" and inserting "five," "Warren" and inserting "Thomaston," "five" and inserting "three," so that said lines shall read as follows:

"The inspector of Rockland five thousand dollars; of Thomaston and Camden three thousand each; and of every other town—"

SECT. 2. This act shall take effect when approved.
[Approved February 26, 1870.]

Chapter 89.

AN ACT to continue in force the provisions of chapter one hundred and seventy of laws of one thousand eight hundred and sixty-eight, authorizing pensions for disabled soldiers and seamen.

SECT. 1. The provisions of chapter one hundred and seventy, public laws of one thousand eight hundred and sixty-eight, are hereby continued in force from and after the twenty-third day of February, one thousand eight hundred and seventy, to and including the thirty-first day of December of the same year; and the fractional quarterly payment for the term, between the twenty-third day of November and the thirty-first day of December of the year one thousand eight hundred and seventy, shall be computed and paid as of the day of the last date.

SECT. 2. This act shall take effect when approved.
[Approved February 26, 1870.]

Chapter 90.

AN ACT relative to reversal of final judgments in criminal cases on account of error in the sentence.

Whenever a final judgment in any criminal case shall be reversed by the supreme judicial court, upon a writ of error, on account of error in the sentence, the court may render such judgment therein as should have been rendered, or may remand the case for that purpose to the court before whom the conviction was had.

[Approved February 26, 1870.]

Chapter 91.

AN ACT to establish the salary of the Register of Probate of the county of Waldo.

SECT. 1. The salary of the register of probate for the county of Waldo, from and after the first day of January, in the year of our Lord one thousand eight hundred and seventy, shall be five hundred dollars instead of the sum now allowed by law.

SECT. 2. This act shall take effect when approved.
[Approved February 26, 1870.]

Chapter 92.

AN ACT to amend chapter sixty-three of the revised statutes relating to notices in Probate courts.

SECT. 1. In all laws relating to probate courts and proceedings, the words "public notice" denotes notice published three weeks successively in a newspaper printed in the county, or if none, in the state paper; the words "personal notice" denotes service by a copy given in hand or left at the place of last and usual abode seven days at least before the time of hearing; and the words "due notice" denote public or personal notice at the discretion of the judge.

SECT. 2. This act shall take effect when approved.
[Approved February 26, 1870.]

Chapter 93.

AN ACT to provide for the formation of manufacturing and other corporations.

SECT. 1. Three or more persons may associate themselves together by written articles of agreement, for the purpose of carrying on any manufacturing, mechanical, mining or quarrying business. Their first meeting shall be called by one or more of the signers of said articles, by giving notice thereof, stating the time, place, and purposes of the meeting to each signer, in writing, or by publishing it in some newspaper printed in the county, at least fourteen days prior to the time appointed therefor. At such meeting they may organize into a corporation, adopt a corporate name, define the purposes of the corporation, fix the amount of the capital stock, which shall not be less than two thousand dollars, nor more than two hundred thousand, divide it into shares, and elect a president, not less than three directors, a secretary, treasurer, and any other necessary officers, and adopt a code of by-laws.

SECT. 2. Before commencing business, the president, treasurer, and a majority of the directors shall prepare a certificate setting forth the name and purposes of the corporation, the amount of capital stock, the amount already paid in, the par value of the shares, the names and residences of the owners, the name of the county where located, and the number and names of the directors, and shall sign and make oath to it; and after it has been examined by the attorney-general, and by him certified to be properly drawn and signed and conformable to the constitution and laws; it shall be recorded in the registry of deeds in the county where the business is to be done, in a book kept for that purpose, and a copy thereof certified by such register shall be filed in the secretary of state's office, and he shall enter the date of filing thereon, and on the original certificate to be kept by the corporation, and shall record said copy in a book kept for that purpose. And said corporation shall pay the attorney-general and secretary of state five dollars each for their services in advance.

SECT. 3. From the time of filing of such certificate in the secretary of state's office, the signers of said articles and their successors and assigns shall be a corporation the same as if incorporated by a special act, with all the rights and powers, and subject to all the duties, obligations, and liabilities provided by chapters forty-six and forty-eight of the revised statutes.

SECT. 4. Chapter one hundred and fifty-two of the public acts of eighteen hundred and sixty-two, and chapter one hundred and twenty-five of eighteen hundred and sixty-seven, are hereby repealed; but any corporations established under said chapters shall not be affected by this act, but they shall remain in full force the same as if this act had not been passed.

SECT. 5. This act shall take effect when approved.
[Approved February 26, 1870.]

Chapter 94.

AN ACT relating to penalties of Selectmen or Assessors for malfeasance in office.

Section fifty-two of chapter four of the revised statutes is hereby amended by inserting after the word "twenty-two," in said section of said chapter, the following words, viz: "or willfully and fraudulently receive the vote of any person not qualified to be an elector as provided by the constitution," so that said section fifty-two of said chapter four shall read when so amended as follows:

SECT. 52. If such selectmen or assessors willfully neglect or refuse to keep and use a check list, as provided in section twenty-one, or willfully receive any vote prohibited by section twenty-two, or willfully

and fraudulently receive the vote of any person not qualified to be an elector, as provided by the constitution, they shall each forfeit not less than fifty nor more than one hundred dollars.

[Approved February 26, 1870.]

Chapter 95.

AN ACT for the incorporation of Public Cemeteries.
SECT. 1. That the provisions of the act passed March nineteen, eighteen hundred and sixty-two, entitled "An Act to authorize the formation of joint stock companies for manufacturing, mechanical and other purposes," be and they hereby are extended and made applicable to all associations that may hereafter be organized under the same and pursuant thereto for the purposes of owning, managing and protecting lands and their appurtenances appropriated for public cemeteries; and the property of such corporations, and the shares of stock therein, shall be and remain exempted from taxation and attachment to the same extent as like property is so exempted in and by the revised statutes of this state.
SECT. 2. This act shall take effect when approved.
[Approved February 26, 1870.]

Chapter 96.

AN ACT to amend section three, chapter one hundred and thirty-two, of the revised statutes, relating to jurisdiction of justices of the peace.
Section three of chapter one hundred and thirty-two, of the revised statutes, is hereby amended by inserting after the word "first," in the second line, the words, "sixth, seventh, eighth," so that said section as amended shall read as follows:
SECT. 3. They shall have jurisdiction of the offences described in the first, sixth, seventh, eighth, and ninth sections of chapter one hundred and twenty, when the value of the property is not alleged to exceed ten dollars; and may punish for the first offence by fine not exceeding ten dollars, and by imprisonment not more than two months; and on a second conviction, by fine not exceeding twenty dollars, and by imprisonment not more than six months.
[Approved February 26, 1870.]

Chapter 97.

AN ACT to repeal an act entitled "An Act providing for reviews in criminal cases," approved March third, one thousand eight hundred and sixty-nine.
SECT. 1. An act entitled "An Act providing for reviews in criminal cases," approved March third, in the year of our Lord one thousand eight hundred and sixty-nine, is hereby repealed.
SECT. 2. This act shall take effect when approved.
[Approved February 26, 1870.]

Chapter 98.

AN ACT to amend sections ten and twelve of chapter three of the revised statutes, relating to choice of Highway Surveyors.
SECT. 1. Section ten of chapter three of the revised statutes is hereby amended by striking out the words "surveyors of highways," in the sixth and seventh lines thereof.
SECT. 2. Section twelve of the same chapter is hereby amended so as to read as follows:
SECT. 12. Unless towns at their annual meeting choose road commissioners or appoint the municipal officers surveyors of highways, said officers shall appoint surveyors of highways, whose term of office shall commence on the first day of May, and end with the last day of April in each year; and if from any cause the town fails or neglects to choose, at the annual meeting, any of such officers as are not required to be chosen by ballot, or if after such officers are chosen there is from any cause a vacancy in any such office, the municipal officers may fill such offices and vacancies by the written appointment of proper persons, who shall be summoned by the constable and required to appear and take the oath of office as is provided in section fifteen, subject to the penalties provided in section sixteen; such appointment and oath shall be recorded as in case of a choice by the town.
SECT. 3. Section forty of chapter eighteen of the revised statutes is hereby amended by striking out the word "April" in the fourth line of said section, and inserting instead thereof the word "May," so that said section as amended shall read as follows:
SECT. 40. When the municipal officers are appointed surveyors of highways by a town, they may in writing delegate their power or part of it to others; they shall, annually before the tenth day of May, make a written assignment of his division and limits to each surveyor of highways, to be observed by him.
SECT. 4. This act shall take effect when approved.
[Approved February 28, 1870.]

Chapter 99.

AN ACT to amend chapter fifty-one, section forty-eight, of the revised statutes, relating to railroads.
Section forty-eight of chapter fifty-one of the revised statutes is hereby amended by striking out the words "five hundred" and inserting the words, "one hundred and fifty;" and it is further amended by adding after the words, "eight miles an hour," the following: "except when from the condition of the track, or train, it shall be necessary to run at a greater rate of speed, in which case it shall be the duty of the conductor, or person in charge of the train, to cause some man to stand at said crossing, with a flag by day and a lantern by night, to warn any approaching train upon the other road," so that the section as amended shall read as follows:
SECT. 48. When a railroad crosses another railroad on the same grade, every engineer on both, when approaching the point of intersection with an engine, with or without a train, shall stop his engine within one hundred and fifty feet of such point, and before reaching it, and shall not pass it at a rate exceeding eight miles an hour; except when from the condition of the track or train, it shall be necessary to run at a greater rate of speed, in which case it shall be the duty of the conductor or persons in charge of the train to cause some man to stand at said crossing with a flag by day, and a lantern by night, to warn any approaching train upon the other road; and when two or more crossings on the same road are within four hundred feet of each other, one stop will be sufficient; and if he violates this provision, he shall forfeit for each offence one hundred dollars; and the corporation on whose road the offence is committed shall forfeit two hundred dollars.
[Approved February 28, 1870.]

Chapter 100.

AN ACT in relation to the supreme judicial court and to pay certain expenses of the justices thereof.
SECT. 1. The fourteenth section of the seventy-seventh chapter of the revised statutes is hereby amended, by adding to the end thereof the following provisions: "But when any of the justices do not sit in a case on account of interest, relationship or other disqualifying cause, the concurrence of a majority of the remaining members of the court shall be sufficient to determine such case; and in any civil

action in which there is a subsisting verdict of a jury, if a majority of the justices qualified to sit in the case, after mature consideration and consultation, do not concur in granting a new trial, it shall be the duty of the court to order judgment on the verdict."

SECT. 2. The amount actually paid by the justices of the supreme judicial court for their board and necessary traveling expenses, not exceeding three hundred dollars each per year, when absent from home in the discharge of their official duties, shall be repaid to them by the state; and any justice may file his account of expenses thus incurred with the secretary of state, and the governor and council shall audit the same, and draw their warrant for the amount thereof incurred within one year prior to the time when the account is thus filed.
SECT. 3. This act shall take effect when approved.
[Approved February 28, 1870.]

Chapter 101.

AN ACT to amend section twenty-one of chapter eighty-two of the revised statutes, relating to offers to be defaulted.
Section twenty-one of chapter eighty-two of the revised statutes is hereby amended by striking out the word "an," in the first line, and inserting instead thereof the words "any personal;" and also by striking out the words "founded on judgment on contract," so that said section as amended shall read as follows:
SECT. 21. In any personal action the defendant may in writing entered of record with its date, offer to be defaulted for a specified sum. If not accepted within such time as the court orders, it shall not be offered in evidence, or have any effect upon the rights of the parties, or the judgment to be rendered except the costs. If the plaintiff fails to recover a sum as due at the time of the offer greater than the sum offered, he recovers for costs such only as accrued before the offer, and the defendant recovers costs accrued since that time; and his judgment for costs may be set off against the plaintiff's judgment for debt and costs.
[Approved February 28, 1870.]

Chapter 102.

AN ACT amendatory of an act establishing the times of holding the several terms of the supreme judicial court in the county of Hancock, approved February twenty-eight, eighteen hundred and sixty-seven.
SECT. 1. The supreme judicial court shall be held on the second Tuesdays of April and October, in each year, at Ellsworth, within and for the county of Hancock, instead of the fourth Tuesdays of said months, as is now provided by law. All the writs, processes, and proceedings returnable on said fourth Tuesdays of April and October shall be entered and have day on the second Tuesdays of said months.
SECT. 2. This act shall take effect when approved.
[Approved February 28, 1870.]

Chapter 103.

AN ACT to establish the fees of the county commissioners of Washington county.
SECT. 1. From and after the first day of January, in the year of our Lord one thousand eight hundred and seventy, the fees of each county commissioner of Washington county shall be three dollars per day while actually employed in the service of the county, including the time necessarily spent in making drafts or other labor, instead of the sum now fixed by law for said fees.
SECT. 2. This act shall take effect when approved.
[Approved February 28, 1870.]

Chapter 104.

AN ACT to amend chapter forty of the revised statutes, relating to herring boxes.
Chapter forty of the revised statutes is amended by striking out the ninth section thereof, and inserting the following instead:
SECT. 9. All boxes for packing smoked herring shall be made of sound boards, sawed and seasoned; the top, bottom, and sides of boards not less than three-eighths of an inch thick, and the ends, of boards three-fourths of an inch thick; securely nailed; and sixteen inches in length, eight inches in breadth, and five inches in depth, by outside measurement; provided, that any change in the dimensions above named shall not operate to reduce their capacity, which shall not be less than four hundred and sixty-four cubic inches in the clear for each box; and each box shall be filled with the same kind and quality of fish; and if the box contains "Magdalen" herring, that word shall be abridged if considered convenient; and no such fish shall be considered merchantable unless salted and smoked sufficiently to cure and preserve them, which shall then be closely packed, in boxes, in clear dry weather. [Approved March 1, 1870.]

Chapter 105.

AN ACT to amend section eight of chapter eleven of the revised statutes, relating to supervision of schools.
SECT. 1. Section eight of chapter eleven of the revised statutes is hereby amended by adding the following words, namely: "or shall in the same manner choose a supervisor of schools, who shall have the power and perform the duties which are now or may hereafter be required of the committee aforesaid; and his election shall terminate the office of any and all existing members thereof." So that said section shall read as follows:
SECT. 8. Every town shall choose by ballot at its annual meeting a superintending school committee of three, unless already done, to hold office as provided in section forty-seven, and shall fill vacancies arising therein at each subsequent annual meeting, except as provided in the two following sections, or shall, in the same manner, choose a supervisor of schools, who shall have the power and perform the duties which are now, or may hereafter be required of the committee aforesaid; and his election shall terminate the office of any and all existing members of such committee.
SECT. 2. This act shall take effect when approved.
[Approved March 1, 1870.]

Chapter 106.

AN ACT to amend chapter two hundred and twenty-four of the laws of eighteen hundred and fifty-six, relating to the charter of the State Agricultural Society.
SECT. 1. All of chapter two hundred and twenty-four of the laws of eighteen hundred and fifty-six, except the first section, together with all acts and parts of acts not consistent with this act, are hereby repealed.
SECT. 2. At each annual meeting of said society, the time and place of holding the same being designated by the trustees, it shall elect, by ballot, a president, secretary, treasurer, trustees, and other necessary officers.
SECT. 3. Said society may take and hold property, real and personal, the annual income of which shall not exceed ten thousand dollars, to be applied ex-

clusively to the advancement of agriculture, horticulture, and the arts connected therewith; and the treasurer of said society shall give suitable bonds to the board of trustees for the safe keeping of said property, and for the faithful discharge of his duties.

SECT. 4. The treasurer, at each annual meeting, shall submit a full and correct statement of the expenditures, stating the amount of money received and paid out, together with the sources from which received, and to whom and for what purposes paid out.

SECT. 5. The secretary is hereby required to make a report at the annual meeting, giving a statement of the doings of the society, with such information and suggestions as may be deemed useful to the public.

SECT. 6. This act shall take effect when approved.
[Approved March 1, 1870.]

Chapter 107.

AN ACT to establish the salaries of certain county officers in the county of Cumberland.
SECT. 1. The salary of the judge of probate for the county of Cumberland is hereby established at twelve hundred dollars per annum, the salary of the register of probate at fifteen hundred dollars per annum, and the salary of the chairman of the county commissioners at six hundred dollars per annum, payable quarterly as heretofore, commencing on the first day of April, in the year of our Lord one thousand eight hundred and seventy, instead of the salaries now provided by law. The salaries established by this act, shall be in full for all official services.
SECT. 2. This act shall take effect when approved.
[Approved March 1, 1870.]

Chapter 108.

AN ACT allowing an annual stipend to the Waldo and Penobscot Agricultural Society.
SECT. 1. The treasurer of the state is hereby authorized and directed to pay to the treasurer of Waldo and Penobscot Agricultural Society a equal to the sum raised by said society the year preceding the application; provided the same does not exceed one hundred and thirty dollars, and the same sum shall be paid annually hereafter when said society shall have made the proper returns and otherwise complied with the laws pertaining to such societies.
SECT. 2. And the sum so paid shall be deducted from the sums allowed to the counties of Waldo and Penobscot, in proportion to the number of inhabitants of each respective county within the limits of said Waldo and Penobscot Agricultural Society.
SECT. 3. This act shall take effect when approved.
[Approved March 1, 1870.]

Chapter 109.

AN ACT to establish certain rules for the construction of statutes.
In the construction of all statutes hereafter enacted the following rules shall be observed unless such construction would be repugnant to the express terms of the same statute, that is to say,
First. The repeal of an act or resolve shall not revive any statute in force before the act or resolve repealed took effect.
Second. The repeal of an act shall not effect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any suit, or prosecution or proceeding pending at the time of the repeal for an offence committed or for the recovery of a penalty or forfeiture incurred under the act repealed.
Third. Actions pending at the time of the passage or repeal of an act, shall not be affected thereby.
[Approved March 1, 1870.]

Chapter 110.

AN ACT to establish the salary of the Register of Probate of Sagadahoc county.
SECT. 1. The salary of the register of probate for the county of Sagadahoc, from and after the first day of January, in the year of our Lord one thousand eight hundred and seventy, shall be five hundred dollars instead of the sum now allowed by law.
SECT. 2. This act shall take effect when approved.
[Approved March 5, 1870.]

Chapter 111.

AN ACT to amend chapter eighty-one of the revised statutes concerning the commencement of civil actions.
SECT. 1. So much of section twenty-eight of chapter eighty-one of the revised statutes, as authorizes attachments of estates for a term of years, to be preserved by recording the same in the office of the town clerk, is repealed; and such attachments shall be recorded in the office of the registry of deeds, like attachments of other interests in real estate.
SECT. 2. This act shall take effect when approved.
[Approved March 5, 1870.]

Chapter 112.

AN ACT additional to and amendatory of "An Act establishing the times of holding the several terms of the Supreme Judicial Court," approved February twenty-eight, one thousand eight hundred and sixty-seven.
SECT. 1. In addition to the terms now provided by law, the Supreme Judicial Court shall be held annually, by one of the justices thereof, in the county of Oxford, at Paris, on the first Tuesday of December.
SECT. 2. This act shall take effect when approved.
[Approved March 7, 1870.]

Chapter 113.

AN ACT additional further regulating probate courts and proceedings.
SECT. 1. In case of the death of any judge of probate, the judge of another county may, at the request of the register of the vacant county, hold all necessary terms of the probate court in that county until the vacancy is filled.
SECT. 2. The third section of chapter sixty-three of the revised statutes is amended so that the last clause shall read as follows: "And in case of the absence of the judge or vacancy in the office at the time of holding any court, the register may adjourn the same, by posting notice thereof at the probate office until the judge can attend, or some other judge can be notified and attend."
SECT. 3. The same chapter is amended by adding at the end of section sixteen: "when, by reason of death or other cause there is a vacancy in the office of register, and the records are incomplete, they may be completed and certified by his successor or by the person appointed to act as register."
SECT. 4. Chapter sixty-four of the revised statutes is amended, so that the last three lines of the first section shall read as follows: "until he delivers the will, or is released by the judge or otherwise by order of law; and he shall also be liable to the action of any party for the damage sustained by such neglect."
SECT. 5. The same chapter is amended by adding at the end of the third section, "or in the cases described in the preceding section, upon the depositions of one or more of them, substantiating the facts."

SECT. 6. The same chapter is amended in the second specification of section forty-one, so as to read as follows: "The wearing apparel of the deceased, not exceeding one hundred dollars in value, if he left a widow and minor children or either, in which case they shall be entitled to such apparel."

SECT. 7. Chapter sixty-five of the revised statutes is amended by adding at the end of section thirteen, "and when additional personal property belonging to said estate comes to the knowledge of the judge after an allowance has been made, he may make a further allowance from such additional property."

SECT. 8. The same chapter is amended so that section sixteen shall read as follows: "Upon the decease of a wife whose estate is solvent, the judge may make an allowance to her husband from her personal estate in the same manner as to a widow from the estate of her husband."

SECT. 9. The same chapter is amended in the twenty-third section by striking out all after the words "probate court," and inserting "in the same manner as personal estate of the deceased; and the judge may, if he deems it necessary, require due notice to be given before granting such license, and also an additional bond from the executor or administrator."

SECT. 10. Chapter sixty-six, section eleven, is amended, so as to read as follows: "The claimant, the administrator, an heir at law or any creditor may appeal from the decision of the commissioners by giving written notice thereof at the probate office within twenty days after their report is made. If the appellant is an heir at law or creditor other than the claimant, he shall file in the probate office with his notice of appeal a bond to the claimant with sureties, to the satisfaction of the judge, for the payment of all costs awarded against him. When the appeal is made by any party other than the claimant, he is to give notice to the claimant within thirty days, by service of a copy, attested by the register, on him, his agent or attorney, personally, or by leaving it at his last and usual place of abode, if any within the state; otherwise, notice is to be given as the judge directs."

SECT. 11. The same chapter is amended, so that section eighteen shall read as follows: "Claims not presented, and claims disallowed, without appeals taken, are forever barred from recovery by suit. Claims disallowed cannot be filed and proved in set-off, except to the amount of counter claims on behalf of the estate. But when after distribution, further assets come into the hands of the administrator, claims not presented to the commissioners, on petition to the judge of probate, and after due notice, if proved or not disputed, may be allowed and paid as provided for contingent claims."

SECT. 12. Chapter sixty-seven of the revised statutes, section two, is amended, so that a minor having a guardian can nominate another only when the present guardian was appointed before the minor was fourteen years of age.

SECT. 13. The same chapter is amended in section fifteen, so that a judge of probate may grant license to guardians to sell stocks and other property of their wards named in said section, and invest the proceeds in other stocks or property, with or without notice as the judge may deem necessary.

SECT. 14. Chapter fifty-nine of the revised statutes is amended, by adding at the end of section twenty-seven: "When the parents have abandoned the child and ceased to provide for its support, the consent of the guardian, next of kin, or some person so appointed, shall be sufficient to authorize the adoption."

SECT. 15. The same chapter is amended, by adding at the end of the twenty-ninth section as follows: "And the judge of probate, on the death of either of his adopters, may make a reasonable allowance to said child from the personal estate of the deceased, if the circumstances of the case demand it."

SECT. 16. Chapter sixty-nine of the revised statutes is amended, by adding the following section:

SECT. 6. The person filing such bond may apply for commissioners on disputed claims, with like proceedings and effect as in case of administrators or executors; or, if the partnership estate appears to be insufficient to pay the partnership debts, he may represent it to be insolvent, commissioners may be appointed, claims proved and allowed, and the partnership assets distributed to pay such as are allowed, and like proceedings shall be had as are prescribed in chapter sixty-six, so far as applicable and with like effect. Nothing herein shall invalidate the right of claimants to recover from the surviving partner or the estate of the deceased partner any balances due them after the partnership property is exhausted. When, in cases heretofore arising, such proceedings have been had, they shall be held valid.

SECT. 17. Chapter seventy-one of the revised statutes, is amended in the first section, by striking out the second, third and fifth specifications, and inserting as follows: "Second, Of the friends or guardians of minors and other incapacitated persons, that the guardians, or some other suitable persons, may be authorized to sell real estate of their wards, or any trees or timber standing thereon, for the payment of debts, expenses of sale and guardianship, and for the support of their wards, and to provide a reasonable sum in anticipation of accruing expenses, when there is not sufficient personal property therefor, exclusive of such as the judge may deem proper to reserve for the use of said wards; or to sell the same and place the proceeds at interest; or to sell it for two or more of these purposes; or to lease such real estate for any term of years, or exchange it for other real estate, when it clearly appears that such sale, lease or exchange would be for the benefit of the wards. But when licensed to be sold in order to place the proceeds at interest, any part thereof may be used for the support of the wards if it becomes necessary."

SECT. 18. The same section is amended in the sixth specification, so that the guardian as well as the husband of an insane wife may be licensed to sell her rights of dower and other property.

SECT. 19. The same section is amended by inserting at the end of the section the following additional specification: "Ninth, Of a part or all of the heirs living in different states, of a person deceased, who left real estate in this state undivided, the owners of which cannot dispose of their separate interests without loss, that the executor, administrator or other suitable person be authorized to sell such estate, and distribute the proceeds, after paying expenses, amongst such heirs, according to their respective rights therein; unless any owner objects to such sale, after public notice, the first publication to be thirty days prior to the hearing, or longer if the judge deems it necessary; the share of any absent owner to be placed on interest until called for by him or his legal representatives."

SECT. 20. The fifth section of the same chapter is amended by inserting after the words "real estate," in the second line, the words "of the value of more than fifty dollars," so that no license shall be granted for the sale of any such real estate of the value of more than fifty dollars, without consent or notice as provided in said fifth section.

SECT. 21. Chapter one hundred and three of the revised statutes is amended by striking out the last clause of section seventeen, and inserting as follows: "The husband of a deceased wife whose estate is solvent, shall have the use for life of one-third of her real estate, to be recovered and assigned in the manner and with the rights of dower, and shall have the same right to waive any provision made for him in her will, that a widow has with regard to her husband's will. When a husband or wife dies intestate, leaving no issue, and the estate is solvent, the survivor shall have the use for life of one-half of the real estate of the deceased, to be recovered and assigned in the manner and with the rights of dower."

SECT. 22. Chapter one hundred and fifteen of the revised statutes is amended in the third section, so that registers of probate shall be required to furnish without compensation one copy of each will proved, but not of other documents.

SECT. 23. Chapter nine of the public laws of eighteen hundred and sixty-nine is amended by adding at the end thereof the following words: "and within two years after notice is given by the executor or administrator of his appointment." Nothing in this section shall effect pending actions.

SECT. 24. The second section of chapter one hundred and ten of the public laws of eighteen hundred and sixty-two, is hereby repealed.

SECT. 25. Chapter two hundred and twelve of the public laws of eighteen hundred and sixty-three is amended by inserting, at the end of the second section, "and such executor or administrator may assign the mortgage and debt, and the purchaser shall have the same rights and liabilities as the purchaser of personal property sold under license of the probate court."

SECT. 26. The first section of chapter seventy-five of the revised statutes is amended by striking out the sixth specification, and inserting the following: "Sixth, When a minor dies unmarried, leaving property inherited from either of his parents, it descends to the other children of the same parent, and the issue of those deceased; in equal shares if all are of the same degree of kindred, otherwise according to the right of representation."

SECT. 27. This act shall take effect when approved. [Approved March 7, 1870.]

Chapter 114.

AN ACT to amend chapter ninety-four of the revised statutes, concerning forcible entry and detainer.

Instead of commencing the process of forcible entry and detainer by complaint and warrant, it shall hereafter be commenced by inserting the substance of the complaint as a declaration, in a writ of attachment which shall be served like other writs.

[Approved March 9, 1870.]

Chapter 115.

AN ACT to amend section sixty-five, chapter four, of the revised statutes relating to penalty for illegal voting.

SECT. 1. Section sixty-five of chapter four of the revised statutes is hereby amended by inserting after the word "county" the words "or municipal," so that the section as amended shall read as follows:

SECT. 65. If a person at an election of state and county or municipal officers, or of electors of president and vice-president knowingly votes in any city, town or plantation where he has no legal right to vote, he shall be punished by imprisonment in the county jail not less than three months nor more than one year.

SECT. 2. This act shall take effect when approved. [Approved March 9, 1870.]

Chapter 116.

AN ACT to amend section one of chapter twenty-five of the public laws of one thousand eight hundred and sixty-nine, relative to the sale of milk.

Section one, chapter twenty-five of the public laws of eighteen hundred and sixty-nine, is hereby amended by striking out the word "may" after the word "towns" in the second line of said section, and inserting the words "shall, upon the application of ten legal voters in such city or town," so that said section when amended shall read as follows:

SECT. 1. The mayor and aldermen of cities, and selectmen of towns shall, upon the application of ten legal voters in such city or town, annually appoint one or more persons to be inspectors of milk, provided such city or town contains not less than three thousand inhabitants, who shall, before entering upon the discharge of the duties of their office, be sworn. Each inspector shall give notice of his appointment by publishing the same two weeks in a newspaper published in his city or town, or if no newspaper is published therein, by posting up such notice in two or more public places in said town.

[Approved March 9, 1870.]

Chapter 117.

AN ACT to amend chapter one hundred and one of the laws of eighteen hundred and fifty-nine, relating to drainage.

SECT. 1. Any person, persons or corporation, having the ownership, possession or right to drain any lands, swamps, meadows, quarries or mines by virtue of the act entitled "An Act relating to drainage," approved April second, eighteen hundred and fifty-nine, or by their charter or other act of the legislature, and having a drain or ditch already constructed for that purpose, shall have the power to improve, deepen and repair from time to time such drain or ditch in such a manner as shall be necessary to make it effective, and shall have the right to remove and use any rock, earth or other material which shall be necessary in making such improvements, and to enter upon the lands through which such drain or ditch passes for that purpose.

SECT. 2. All damages sustained by any person by reason of such improvement, the value of the royalty or stumpage on the rock, and of the other material removed and used, may be recovered against the person, persons or corporation taking said rock, earth or other material, in an action on the case, or upon application to the county commissioners at the election of the party injured, and in case he shall elect the latter, the same proceedings shall be had for the purpose of ascertaining such damage, and to recover the same, as are now provided in estimating damages by a jury in case of laying out public highways.

SECT. 3. This act shall take effect when approved. [Approved March 10, 1870.]

Chapter 118.

AN ACT to amend chapter two hundred and sixty-four of the public laws of eighteen hundred and sixty-four, relating to the distribution of lists of magistrates.

SECT. 1. Section one of chapter two hundred and sixty-four is amended so as to read as follows:

SECT. 1. The secretary of state shall on or before the first day of June next forward to the clerks of courts and registers of probate in the several coun-

ties, a list of all justices of the peace, justices of the peace and quorum, trial justices, United States pension agents, and notaries public in this state, whose commissions shall then be in force and the evidence of whose qualifications has been filed in his office. Such list shall contain the name and place of residence of every such officer, the date of his commission, and the county or counties for which he is commissioned. And he shall forward to said clerks and registers on the first day of December and of June annually thereafter, a similar list of all such officers commissioned and qualified during each preceding period of six months.

SECT. 2. This act shall take effect when approved. [Approved March 10, 1870.]

Chapter 119.

AN ACT additional to chapter three of the revised statutes relating to town treasurers and collectors.

SECT. 1. Treasurers or collectors of towns and plantations having more than fifteen hundred inhabitants shall not be members of the boards of selectmen or assessors.

SECT. 2. This act shall take effect when approved, but shall not apply to and persons in office when it takes effect. [Approved March 10, 1870.]

Chapter 120.

AN ACT to regulate the taking of porgies or menhaden in the waters of Maine.

SECT. 1. No person shall set or use any seine within three miles of the shore in any waters of this state, for the purposes of taking menhaden or porgies, under a penalty of not less than one hundred, nor more than five hundred dollars, and the forfeiture of all vessels, boats, craft, and apparatus employed in such unlawful fishing, for each offence; but a net of less than one hundred and forty meshes deep, shall not be deemed a seine.

SECT. 2. Any person who shall cast or deposit, or cause to be thrown or deposited into any of the navigable waters of this state, any pumice, scraps or other offal arising from the making of oil, or slivers for bait, from menhaden or herring, shall pay a fine of not less than fifty nor more than one thousand dollars for each offence.

SECT. 3. All penalties and forfeitures named in this act, may be recovered by indictment or action of debt in the name and to the use of the county in which the offence was committed; and there shall be a lien on all boats, vessels, crafts, and apparatus of any kind found in the possession of any persons violating any of the provisions of this act, whether owned by them or not; and they may be attached in such action, and held to respond to the judgment for the penalties, forfeitures and costs in this act, as in other cases, and any trial justice on complaint, may cause the arrest of the accused, and seizure of the property alleged to be forfeited, and detain the same until a trial may be had in the proper courts; and in case of conviction, the said property shall be decreed forfeited to the uses aforesaid, to be sold in the manner as goods taken on execution, and (except on the offence specified in section one of this chapter) the balance, after deducting fines and costs, shall be paid to the persons legally entitled to receive it.

SECT. 4. Chapter thirty-six of the public laws of eighteen hundred and sixty-nine, is hereby repealed.

SECT. 5. This act shall take effect when approved. [Approved March 10, 1870.]

Chapter 121.

AN ACT to provide for the organization of plantations.

SECT. 1. The county commissioners of the counties containing unincorporated townships, shall at the expiration of every period of five years from March, in the year of our Lord one thousand eight hundred and sixty-one, determine from the United States census when taken the preceding year, and by actual enumeration when not so taken, what townships have not less than two hundred and fifty inhabitants, and make a suitable description and designation thereof and return them to the secretary of state to be by him recorded.

SECT. 2. Immediately after making such return said commissioners shall issue their warrant to one of the principal inhabitants of each of such unincorporated townships, commanding him to notify the inhabitants thereof qualified to vote for governor to assemble on a day and at a place named in the warrant, to choose a moderator, clerk, three assessors, treasurer, collector of taxes, constable, superintending school committee and other necessary plantation officers. Notice of such meeting is to be given by posting an attested copy of the warrant therefor in two public and conspicuous places in the township, fourteen days before the day of meeting. The warrant with such inhabitant's return thereon is to be returned to the meeting, and the above-named officers shall be chosen and sworn.

SECT. 3. But any unincorporated or unorganized township containing any number of inhabitants may be organized as follows:

Any one or more of the county commissioners on written application, signed by three or more persons qualified as the constitution requires to be voters, inhabitants of any unincorporated or unorganized township in their county, may issue a warrant to one of them requiring him to warn a meeting of the qualified voters of such place residing within the limits described in the warrant; or when a state or county tax is laid on such place the state treasurer or said commissioners without application therefor may issue such warrant to one of the principal inhabitants of such place; and in either case the warrant, notice of meeting and proceedings therein shall be the same as provided in the preceding section.

SECT. 4. At the time and place appointed for meetings for the organization of plantations as provided in the two preceding sections, a moderator shall be chosen by ballot by the voters present to preside at such meeting, and the person to whom the warrant was directed shall preside till such moderator is chosen and by him sworn. A clerk, three assessors, treasurer and superintending school committee shall be chosen by ballot and sworn by the moderator or a justice of the peace. Other plantation officers may be chosen by ballot, or other method agreed on by a vote of the meeting, and shall be duly sworn in the manner above named.

SECT. 5. Upon the organization of a plantation, the clerk and assessors thereof shall transmit to the secretary of state, to be by him recorded, a certified copy of all the proceedings had in effecting such organization, including the petition for organization, if any, the warrant issued therefor and the return thereon, and the record of meeting held in pursuance thereof, and also a written description of the limits of the plantation; and thereupon all the laws of the state applicable to organized plantations shall apply to plantations organized as herein provided; but plantations organized upon the application of three or more citizens thereof as above provided, shall not be required to pay state or county taxes unless by special order of the legislature.

SECT. 6. All organized plantations shall hold their annual meeting in March, and choose a clerk, three assessors, treasurer, collector of taxes, constable, superintending school committee, one or more surveyors of lumber, and two or more fence viewers; and highway surveyors shall be appointed in plantations wherein highway taxes are assessed.

SECT. 7. The clerks of organized plantations shall make return to the secretary of state on blanks by him furnished for that purpose on or before the first day of July annually of the names of the assessors and clerks of their several plantations, and that the same have been duly sworn, and when any such return is not made by any such plantation, the secretary of state shall not furnish such plantation with blanks for election returns, and no votes purporting to be cast by any plantation neglecting to make such return shall be counted or allowed by the governor and council. But when a plantation is organized after the first day of July of any year, such return is not required to be made by the clerk thereof during such year. But the votes of such plantations shall not be counted nor allowed by the governor and council for any purpose, during the year of its organization, unless such organization be made at least sixty days prior to the second Monday in September.

SECT. 8. All laws relating to calling, notifying and conducting town meetings, the election, appointment, qualification, duties, powers, compensation, liabilities and penalties for official neglect and misconduct of town officers apply to plantations and their officers, so far as the same may be applicable thereto, unless when specially otherwise provided. Voters in plantations are liable to the same penalties for unlawful voting as voters in towns are.

SECT. 9. The assessors of plantations shall be considered the selectmen thereof, for the purpose of performing such duties as the selectmen of towns perform. Treasurers, collectors, and constables of plantations, shall give such bond as such officers of towns are required to give, to be approved in like manner. The valuation of property for the purpose of assessment of taxes in plantations, as well as the assessment, collection and disposal thereof, shall be the same as in towns.

SECT. 10. The assessors who shall first be chosen in plantations organized under the provision of section two of this act, shall immediately take an inventory of the polls and valuation of the property therein, as the same are taken in towns, and return them on or before the fifteenth day of May following their election, to the county commissioners of their county, who shall have power to examine and correct the same in such manner as shall make it conform to the last state valuation, and return a copy of such corrected valuation to the state treasurer, and thereupon their ratable proportion according to such valuation, of all state and county taxes, shall be assessed on such plantations in the same manner as on towns; and such plantations, and also such as may by special order of the legislature be required to pay state or county taxes, shall have power to raise money by taxation for making and repairing ways in compliance with the provisions of chapter eighteen, sections twenty-eight and seventy-four of the revised statutes. Such inventory and valuation in any plantation shall be so taken, corrected and returned to the treasurer of state whenever required by him.

SECT. 11. All plantations have power to raise and expend money for the support of schools, and making and repairing school-houses, as provided in chapter eleven, sections five, fifty-nine, sixty and sixty-one; for support of the poor, as provided in chapter twenty-four, section thirty-seven; and also such sums as may be necessary to defray all legal plantation expenses.

SECT. 12. Organized plantations shall not be composed of more than one township, and when organized under the provisions of section two of this act, former organizations cease to have any effect.

SECT. 13. When towns are incorporated, the assessors thereof are required to return to the county commissioners of their county, the original valuation first taken in their towns, on or before the fifteenth day of May next following their incorporation, said valuation to be examined, corrected, and a copy thereof returned to the state treasurer, and become the basis of state and county taxes in the same manner as the valuations of plantations, as provided in section ten of this act.

SECT. 14. If such valuation is not made and returned by any town or plantation within the time specified, the county commissioners shall appoint three suitable persons of the county to be assessors therein, who shall be sworn and make and return the inventory and valuation required, within the time fixed by said commissioners; and such valuation shall be examined, corrected, and a copy thereof returned to the state treasurer and become a basis for the assessment of state and county taxes, in the same manner as if the valuation had been taken by the assessors chosen by said town or plantation.

SECT. 15. The assessors appointed under the preceding section, shall be paid from the county treasury a reasonable compensation for their services, to be determined by the county commissioners, and any sum so paid shall be added to the county tax apportioned to such town or plantation, and shall be collected and paid into the treasury in the same manner as county taxes are.

SECT. 16. Plantations organized upon the application of three or more inhabitants thereof may at any time be reorganized under the provisions of this act.

SECT. 17. Section seventy-seven of the fourth chapter of the revised statutes is hereby amended so as to read as follows:

SECT. 77. If it does not appear by the return of the list of voters so posted up, and of the names of the voters on said list, who were actually present and voted at such election, and by the return of its organization duly signed and made to the office of the secretary of state within the time required by law, that the plantation has been duly organized and that the provisions of section seventy-five have been fully complied with, the votes of such plantation shall be rejected, and not counted for any of said officers. The secretary of state shall furnish to the clerks of all such plantations suitable blanks for the returns herein required.

SECT. 18. Section seventy-five, chapter six of the revised statutes is amended by striking out of said section all after the word "may" in the third line to and including the word "sworn" in the twelfth line, and inserting instead thereof the words "cause the same to be organized as provided for the organization of plantations ascertained to contain two hundred and fifty inhabitants." Section seventy-six of chapter six of the revised statutes is amended by adding thereto the following words: "and proceed to make assessment of taxes and cause the same to be collected as required by law." Section seventy-seven of said chapter six is hereby repealed and the following section substituted therefor:

SECT. 77. All laws of the state applicable to organized plantations shall apply to plantations organized as is provided in section seventy-five.

SECT. 19. The provisions of this act shall not effect the rights or proceedings of any plantation heretofore legally organized.

SECT. 20. This act shall take effect when approved. [Approved March 10, 1870.]

Chapter 122.

AN ACT to change the time of holding the April and October terms of the Court of County Commissioners in the county of Hancock.

SECT. 1. The April and October terms of the court of county commissioners in the county of Hancock, shall hereafter be holden at Ellsworth in and for said county, on the second Tuesdays of April and October instead of the fourth Tuesdays of said months.

SECT. 2. This act shall take effect when approved. [Approved March 10, 1870.]

Chapter 123.

AN ACT to amend chapter seventy of the revised statutes relating to assignments.

SECT. 1. The third section of chapter seventy of the revised statutes is amended by striking out all except the second and third specifications and inserting the following:

SECT. 3. The assignee named in such assignment shall give a bond to the judge of probate in such sum and with such sureties living in the county as shall be satisfactory to him, and shall immediately thereafter take possession of the property assigned; and within ten days after the execution of the assignment shall file in the probate office an attested copy thereof, and an inventory under oath of all the real estate, goods, chattels, rights and credits of the assignor which have come to his possession or knowledge whether contained in the assignment or not. Said bond shall be conditioned as follows:

First, To return into the probate office within ten days after the time allowed to creditors to become parties to the assignment, an inventory of any real or personal estate of the assignor not already returned whether contained in the assignment or not, and the names of all the creditors who have become parties to the assignment, with a list of their respective claims.

SECT. 2. The fourth section of the same chapter is amended so as to read as follows:

SECT. 4. Within fourteen days after the execution of the assignment, the assignee shall give public notice of his appointment in some newspaper printed in the county where either assignor lives, or if none, in the state paper, such notice to be continued three weeks successively, and three months from the execution of such assignment shall be allowed for creditors to become parties thereto.

SECT. 3. The fifth section of the same chapter is amended so as to read as follows:

SECT. 5. No such assignment shall be valid against attaching creditors, unless sworn to and notice given as aforesaid, nor unless such bond is filed and approved by the judge of probate within ten days after the execution of the assignment.

SECT. 4. This act shall take effect when approved. [Approved March 10, 1870.]

Chapter 124.

AN ACT concerning the rate of interest.

SECT. 1. In the absence of any agreement in writing the legal rate of interest shall be six per cent per annum.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECT. 3. This act shall take effect when approved. [Approved March 11, 1870.]

Chapter 125.

AN ACT additional to chapter thirty-three of the public laws of eighteen hundred and fifty-eight, relating to the sale of intoxicating liquors.

SECT. 1. Only one person shall be required to make, sign and swear to a complaint for a warrant of search and seizure, instead of three as now provided in section fourteen of chapter thirty-three of the public laws of eighteen hundred and fifty-eight.

SECT. 2. In all cases, where now by any of the provisions of said chapter, or any acts additional thereto or amendatory thereof, an officer is authorized to seize intoxicating liquors or the vessels containing them by virtue of a warrant therefor, he may seize the same without a warrant, and keep them in some safe place for a reasonable time until he can procure such warrant.

SECT. 3. The court or magistrate trying any case of intoxicating liquors seized under said chapter or acts additional thereto or amendatory thereof, shall, when such liquors are decreed to be forfeited, order them to be destroyed in all cases by any officer competent to serve the process on which they were so forfeited, and he shall make return accordingly to such court or magistrate.

SECT. 4. If any municipal officer of any city, town or plantation, after being furnished with a written notice of a violation of any provisions of said chapter or acts additional thereto or amendatory thereof, signed by two persons competent to be witnesses in civil suits, and containing the names and residences of the witnesses to prove such offence, willfully neglects or refuses to institute proceedings therefor, he shall be liable to a fine of not less than twenty nor more than fifty dollars, to be recovered by indictment. The oath required of any such officer to the complaint may be in substance, that from a written notice signed by two persons competent to be witnesses in civil suits he believes the complaint by him signed to be true.

SECT. 5. When a person has been found guilty, in the supreme judicial court, for a violation of any of the provisions of said chapter and acts additional thereto or amendatory thereof, the county attorney shall have him sentenced at the same term, unless for reasons satisfactory to the court, the case may be continued for sentence one term, but no longer.

SECT. 6. Section three of chapter one hundred and thirty of the public laws of eighteen hundred and sixty-two is amended, so as to read as follows:

SECT. 3. If any municipal officer or officers shall purchase any intoxicating liquors to be sold according to the provision of the laws of this State, of any other person or persons, except those specified in the second section of this act, or if he or they, or any person or persons in his or their employ, or by his or their direction, shall sell or offer for sale any such liquors that have been decreed to be forfeited under chapter thirty-three of the public laws of eighteen hundred and fifty-eight, or any acts additional thereto, or amendatory thereof, or shall adulterate or cause to be adulterated any intoxicating, spirituous or malt liquors which he or they may keep for sale under this act, by mixing with the same any coloring matter, or any drug or ingredient whatever, or shall mix the same with other liquors of a different kind or quality, or with water, or shall sell or expose for sale such liquors so adulterated, knowing it to be such, he or they shall forfeit for such offence to the town, city or plantation to which he or they may belong, and for the use of said city, town or planta-

tion, a sum not less than twenty nor more than one hundred dollars, to be recovered by indictment.

SECT. 7. All acts and parts of acts inconsistent with this act are repealed; and nothing herein, except section five, shall affect any cases pending or offences already committed, or acts already done. [Approved March 11, 1870.]

Chapter 126.

AN ACT to amend section seventeen of chapter sixty-five of the revised statutes relating to the distribution of personal estate.

SECT. 1. Section seventeen of chapter sixty-five of the revised statutes is amended by adding after the word "one," in the tenth line of said section, the following: "where no distribution of the estate has been made, and the parties in interest reside out of the state, and no actual notice has been given of such settlement, the judge of the court wherein such settlement was made, may, on petition of any such party, order a new account of his doings to be presented to said court by the executor or administrator at any time within six years after such settlement is made;" so that the section as amended shall read as follows:

SECT. 17. When on the settlement of any account of an administrator or executor there appears to remain in his hands any property not necessary for the payment of debts and expenses of administration not specifically bequeathed, the judge shall order the same to be distributed according to the will of the deceased, if any, so far as it directs, otherwise according to the provisions of chapter seventy-five; but no such order determining who are heirs and the share of each shall be passed until notice is given as provided in section five, chapter seventy-one; and where no distribution of the estate has been made and the parties in interest reside out of the state, and no actual notice of such settlement has been given them of such settlement, the judge of the court wherein such settlement was made may, on the petition of any such party, order a new account of his doings to be presented to said court at any time within six years after such settlement; and alienage shall be no bar to any person who in other respects is entitled to receive the same.

SECT. 2. This act shall take effect when approved. [Approved March 11, 1870.]

Chapter 127.

AN ACT to amend section twenty, chapter one hundred forty-three of the revised statutes, relating to expense of supporting the insane at the hospital.

Section twenty of chapter one hundred forty-three of the revised statutes is hereby amended, by adding to said section the following words: "but the time during which the insane person is so supported shall not be included in the period of residence necessary to change his settlement."

[Approved March 11, 1870.]

Chapter 128.

AN ACT to amend section ten of chapter eighty-seven of the revised statutes, relating to survival of actions.

SECT. 1. Section ten of chapter eighty-seven of the revised statutes, is amended, to read as follows:

SECT. 10. When either of several plaintiffs or defendants in an action that survives, dies, the death may be suggested on the record, and the executor or administrator of the deceased may appear, or be cited to appear, as provided in section seven; and the action may be further prosecuted or defended by the survivors, and such executor or administrator, jointly or by either of them; and judgment may be entered against the survivors, and also against the goods and estate of the deceased in the hands of such executor or administrator; and a joint execution issued.

SECT. 2. This act shall take effect when approved. [Approved March 11, 1870.]

Chapter 129.

AN ACT to amend section nine of chapter seven of the revised statutes relating to changing the Registry District of Aroostook county.

SECT. 1. Section nine of the seventh chapter of the revised statutes shall be and hereby is so far altered and amended as to read as follows:

SECT. 9. All that part of the county of Aroostook lying north of a line commencing in the south-east corner of township F, in the first range, west from the east line of the state; thence west on the south line of said township and the south line of township K, in the second range, to township numbered fifteen in the third range; thence south to the north-east corner of township numbered thirteen in the third range; thence west on the dividing line of townships thirteen and fourteen, to the seventh range line; thence north to the north-east corner of township numbered thirteen in the eighth range; thence west to the west line of the state, shall compose the northern registry district of Aroostook county, and the register shall keep his office in the town of Madawaska, in said district.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 3. This act shall take effect when approved. [Approved March 12, 1870.]

Chapter 130.

AN ACT to amend sections one hundred and forty-five and one hundred and fifty-seven of chapter six of the revised statutes, relating to land sold for taxes.

SECT. 1. Section one hundred and forty-five of the revised statutes is hereby amended so as to read as follows:

SECT. 145. In any trial involving the validity of any such sale, it shall be sufficient for the party claiming under it to produce the treasurer's deed, duly executed and recorded, the assessments signed by the assessors, their warrants to the collector, and to show that the taxes were advertised according to law: but no person shall be entitled to commence, maintain or defend any action or suit in law or equity, on any ground involving the validity of any such sale, until the amount of all the taxes, charges and interest, as aforesaid, and all costs of suit shall have been paid or tendered by the party desiring to contest the validity of such sale, or by some person under whom he claims.

SECT. 2. Section one hundred and fifty-seven of chapter six of the revised statutes is hereby amended so as to read as follows:

SECT. 157. In any trial at law or equity involving the validity of any such sale of real estate for non-payment of taxes, it shall be sufficient for the party claiming under it to produce in evidence the collector's deed duly executed and recorded, the assessments signed by the assessors, the warrants to the collector, and to prove that such collector complied with the requisitions of law as to advertising and selling such real estate; but no person shall be entitled to commence, maintain or defend any action or suit in law or equity, on any ground involving the

validity of any such sale, until the amount of all taxes, charges and interest as aforesaid, and all costs of suit shall have been paid or tendered by the party desiring to contest the validity of such sale, or by some person under whom he claims.

SECT. 3. This act shall take effect when approved.
[Approved March 12, 1870.]

Chapter 131.

AN ACT to amend chapter twenty-four of the revised statutes relating to paupers.

SECT. 1. The first specification of the first section of chapter twenty-four of the revised statutes is amended so as to read as follows:

A married woman has the settlement of her husband if he has any in the state, if he has not, her own settlement is not effected by her marriage. When it appears in a suit between towns involving the settlement of a pauper that a marriage was procured to change it by the agency or collusion of the officers of either town, or any person having charge of such pauper under authority of either town, the settlement is not effected by such marriage.

SECT. 2. Nothing in this act shall be construed to effect any action now pending.

SECT. 3. This act shall take effect when approved.
[Approved March 12, 1870.]

Chapter 132.

AN ACT to amend chapter two hundred and thirty of the public laws of eighteen hundred and sixty-four, relating to evidence.

SECT. 1. Chapter two hundred and thirty of the public laws of eighteen hundred and sixty-four, is amended so as to read as follows:

In an action by or against an executor, administrator or other legal representative of a deceased person, in which his account books or other memoranda are used as evidence on either side, the other party may testify in relation thereto.

SECT. 2. This act shall take effect when approved.
[Approved March 12, 1870.]

Chapter 133.

AN ACT to prohibit the wholesale destruction of water-fowl by traps, &c.

SECT. 1. If any person or persons shall trap, snare or capture wild ducks of any variety, other than in the usual manner of sporting with fire-arms, within the limits of the state, shall forfeit and pay for each duck so taken, a sum not less than two dollars nor more than five, to be recovered by action of trespass, one-half to the use of the town or plantation in which the offence is committed, the other half to the person complaining.

SECT. 2. This act shall take effect when approved.
[Approved March 14, 1870.]

Chapter 134.

AN ACT to amend chapter thirty of the revised statutes relating to killing moose, deer and caribou.

SECT. 1. Section nine of chapter thirty of the revised statutes is hereby amended so that said section as amended shall read as follows:

SECT. 9. No person shall hunt or kill with dogs any moose, deer or caribou on any lands in this state under a penalty of forty dollars for every such moose, deer or caribou so killed; and no person shall between the first day of February and the first day of October, in any manner hunt or kill any moose, deer or caribou under the same penalties as above provided; any person may lawfully shoot or otherwise kill any dog so found hunting moose, deer or caribou or with the persons herein prohibited.

SECT. 2. Section fourteen of said chapter is hereby amended by striking out the words "within the times herein forbidden," and inserting instead thereof the words "between the first day of February and the first day of October," and by adding at the end of said section the words "in case of his conviction such carcass or hide so found in his possession shall be decreed by the court forfeited to the use of the person prosecuting," so that said section as amended shall read as follows:

SECT. 14. If any person has in his possession the carcass or hide of any such animal between the first day of February and the first day of October, he shall be deemed to have hunted and killed the same contrary to law and be liable to the penalties aforesaid, but he shall not be precluded from producing proof in defence; in case of his conviction such carcass or hide so found in his possession shall be decreed by the court forfeited to the use of the person prosecuting.

SECT. 3. Section twelve of said chapter is hereby amended by striking out the words "and deer" in the third line thereof, and inserting in place thereof the words "deer and caribou."

SECT. 4. Chapter nineteen of the public laws of eighteen hundred and fifty-eight, and chapter forty-eight of the public laws of eighteen hundred and sixty-nine are hereby repealed.

SECT. 5. This act shall take effect when approved.
[Approved March 14, 1870.]

Chapter 135.

AN ACT to amend section forty of chapter four, section eleven of chapter five, section seventy-four of chapter eighteen of the revised statutes, and chapter forty of the public laws of eighteen hundred and sixty-six, relating to elections, public lands and ways.

SECT. 1. So much of section forty of chapter four of the revised statutes, as precedes the word "for," in the eighth line of said section, is hereby repealed.

SECT. 2. Section eleven of chapter five of the revised statutes, is hereby amended by striking out of the second, third, and fourth lines of said section the words "or organized into plantation" and the words "or is otherwise parted with." Said section is further amended by striking out of the eleventh line thereof, the words "so incorporated or organized," and inserting instead thereof, the words, "incorporated into a town," so that said section as amended shall read as follows:

SECT. 11. The land agent shall have the care of the reserved lands in all townships or tracts, until they are incorporated, and the fee becomes vested in the town. He may from time to time, sell the timber and grass thereon, or the right to cut the same, for cash, except the grass growing on improvements made by an actual settler, until incorporated into a town, for such sum as he thinks just and reasonable. When so sold, he shall give the purchaser a permit under his hand and seal, setting forth the terms of the contract, which shall be recorded in the office. The proprietors of the township or tract shall have the option to become purchasers thereof, at the rate per acre for which the township or tract was sold.

SECT. 3. Section seventy-four of chapter eighteen of the revised statutes shall be amended so as to read as follows:

SECT. 74. If the municipal officers of any town unreasonably neglect to cause a guide-post to be erected in their town as provided by law, they shall forfeit and pay five dollars for each month's neglect,

to be recovered in an action of the case by and to the use of any person suing therefor. Plantations assessed in state or county taxes and their officers are under the same obligations and subject to the same penalties in these respects as towns.

SECT. 4. Chapter forty of the public laws of eighteen hundred and sixty-six, shall be amended so as to read as follows:

Towns shall erect and maintain at all crossings of highways and where one public highway enters another, substantial guide-posts not less than eight feet high and have fastened to the upper end of each a board, on which shall be plainly printed, in black letters on white ground, the name of the next town on the route, and of such other place, as the municipal officers direct, with the number of miles thereto, and the figure of a hand with the forefinger pointing thereto; and for any neglect herein towns shall be subject to indictment, and fine not exceeding fifty dollars.

SECT. 2. This act shall take effect when approved.
[Approved March 14, 1870.]

Chapter 135.

AN ACT to amend section twenty-seven of chapter seventy-seven of the revised statutes, relating to exceptions in supreme judicial court.

SECT. 1. Section twenty-seven of chapter seventy-seven of the revised statutes is hereby amended by adding the following words: "But such judge if he deems such exceptions frivolous and intended for delay, may so certify upon motion of the party not excepting; and exceptions so certified to be frivolous and intended for delay may be transmitted at once by such judge to the chief justice, and shall, when so certified, be argued in writing on both sides within thirty days thereafter, unless the judge shall for good cause enlarge the time, and exceptions so certified shall be considered and determined by the justices of the supreme judicial court as soon as may be, and their determination shall be forthwith certified to the clerk of the county where the same are pending," so that said section shall read as follows:

SECT. 27. When the court is held by one justice, a party aggrieved by any of his opinions, directions or judgments in any civil or criminal proceeding, may, during the term, present written exceptions in a summary manner, signed by himself or counsel, and when found to be true they shall be allowed and signed by such judge. But such judge, if he deems such exceptions frivolous and intended for delay, may so certify upon motion of the party not excepting; and exceptions so certified to be frivolous and intended for delay may be transmitted at once by such judge to the chief justice, and shall, when so certified, be argued in writing on both sides within thirty days thereafter, unless the judge shall for good cause enlarge the time; and exceptions so certified shall be considered and determined by the justices of the supreme judicial court as soon as may be, and their determination shall be forthwith certified to the clerk of the county where the same are pending.

SECT. 2. Section twenty-eight of said chapter is hereby amended by striking out all after the word "law," in the third line, and adding the words "subject to the provisions of the preceding section," so that the section when amended shall read as follows:

SECT. 28. When a dilatory plea is overruled and exceptions taken, the court is to proceed and close the trial, and the action shall then be continued and marked law, subject to the provisions of the preceding section.

SECT. 3. This act shall take effect when approved.
[Approved March 14, 1870.]

Chapter 137.

AN ACT to amend chapter twelve of the revised statutes relating to parishes, meeting-houses, ministerial and school lands and funds arising therefrom.

Section thirty-two of chapter twelve of the revised statutes is hereby amended by striking from the second and third lines from the top the words, "allowing no more for any pew than was actually paid for it by the owner," so that the said section thirty-two when amended shall read as follows:

"The board shall appraise the value of the minority's proportion of the house, make a record of their proceedings, and within ten days cause it to be transcribed into the records of the town where the house is." [Approved March 14, 1870.]

Chapter 138.

AN ACT to amend section one of chapter eighty-seven of the public laws of eighteen hundred and sixty-two, relating to appeals from decisions of county commissioners.

SECT. 1. Section one of chapter eighty-seven of the public laws of eighteen hundred and sixty-two is hereby amended so as to read as follows: If the judgment of the commissioners in favor of laying out or altering a way as prayed for is wholly reversed on an appeal, they shall proceed no further; and in all cases when the judgment of the commissioner shall be reversed on appeal, no petition praying for substantially the same thing shall be entertained by them for two years thereafter. If their judgment is affirmed in whole or in part they shall carry into effect the judgment of the appellate court; and in all cases they shall carry into full effect the judgment of the appellate court in the same manner, as if made by themselves, and the party appealing or prosecuting shall pay the costs incurred since the appeal, if so adjudged by the appellate court, which may allow costs in such cases to the prevailing party to be paid out of the county treasury. The compensation of the committee to be paid the same as commissioners would have for like services to be allowed by the court. The costs allowed the prevailing party, and the fees of the committee are to be collected as provided in section three.

SECT. 2. This act shall take effect when approved.
[Approved March 14, 1870.]

Chapter 139.

AN ACT to amend section one of chapter thirty-four of the revised statutes, relating to licensing auctioneers.

SECT. 1. Section one of chapter thirty-four of the revised statutes, is hereby amended by striking out the words "in such town and" in the third line thereof, and the words "other" "where there is no licensed auctioneer" in the fourth line thereof, so that said section shall read as follows:

SECT. 1. The municipal officers of any town may license any suitable inhabitants of their county, by a writing under their hands, to be auctioneers for one year in any town in said county; and shall record every such license in a book kept by them for that purpose.

SECT. 2. This act shall take effect when approved.
[Approved March 15, 1870.]

Chapter 140.

AN ACT additional to chapter forty-seven of the revised statutes relating to banks.

SECT. 1. When it appears to the supreme judicial court that the assets of a bank in the hands of receivers are insufficient to pay the claims allowed against said bank, the court after reserving a sufficient sum for further necessary expenses, may assess upon all the persons liable as stockholders to contribute to the payment of such claims such sum as may be requisite to make up the deficiency of assets.

SECT. 2. Any stockholder may deposit with the receivers a sum of money equal to his liability, subject to such assessments as the court may make.

SECT. 3. The court may from time to time authorize the receivers to compound with such stockholders as are unable to pay the full amount of their liability.

SECT. 4. Upon the trial of a bill in equity brought by the receivers against the stockholders to recover the amount deficient, if judgment is rendered against the stockholders, no costs shall be awarded against those who before service on them have deposited with the receivers a sum equal to their liability, or compounded as aforesaid, or those on whom no service has been made. Against any stockholder who pays to the receivers before judgment the amount assessed upon him by the court, or who is defaulted, the costs awarded shall be only the costs of service on him, and one dollar for other expenses. Those who appear and defend shall be held to pay all the remaining costs, to be equitably divided between them by the court, and the court may in its discretion require security for the payment of such costs. When judgment is rendered against the stockholders, execution may be issued against each stockholder for the amount of his liability and for the costs awarded against him.

SECT. 5. This act shall take effect when approved.
[Approved March 16, 1870.]

Chapter 141.

AN ACT additional to chapter one hundred and twenty-six of the revised statutes concerning frauds.

Whoever fraudulently makes or utters any receipt or other written evidence of the delivery or deposit of any grain, flour, pork, wool or other goods, wares or merchandise in any ware-house, mill, store or other building, when the quantity specified therein had not, in fact, been so delivered and deposited in such building; or so makes or utters any receipt or other written evidence of the delivery or deposit with him of any bonds or other securities or evidences of debt, when the same have not, in fact, been so delivered and deposited, shall be punished by imprisonment not less than one year nor more than ten.

[Approved March 16, 1870.]

Chapter 142.

AN ACT additional to chapter ninety of the revised statutes concerning mortgages of real estate.

SECT. 1. When the mortgagee or person claiming under him has taken possession of the mortgaged premises and the debt secured by the mortgage is paid or released after condition broken and before foreclosure perfected, the mortgagor or person claiming under him may maintain a writ of entry to recover possession of said premises, the same as if paid or released before condition broken.

SECT. 2. This act shall take effect when approved.
[Approved March 16, 1870.]

Chapter 143.

AN ACT to provide for the recording of certain contracts.

SECT. 1. No stipulation in a note for more than thirty dollars that the goods and chattels for which the note is given shall remain the property of the payee until payment, shall be valid against any other person than the parties thereto, unless possession of such property is retained by the payee or the note is recorded in the same place and manner as mortgages of personal property.

SECT. 2. The recording officer shall receive for such record twenty-five cents, and on receipt of his fee shall record all such notes delivered to him in a book kept for that purpose.

SECT. 3. This act shall take effect when approved.
[Approved March 16, 1870.]

Chapter 144.

AN ACT to amend section eighty-eight of chapter six of the revised statutes, relating to collection of taxes.

SECT. 1. Section eighty-eight of chapter six of the revised statutes, is hereby amended, so as to read as follows:

SECT. 83. If any person refuses to pay the whole or any part of the tax assessed against him in accordance with the provisions of this chapter, the constable, collector, or other person whose duty it is to collect the same, may distrain him by any of his goods and chattels, not by law exempt for the whole or any part of his tax, and keep such distress for the space of four days, at the expense of the owner; and if he does not pay his tax within that time, the distress shall be openly sold at vendue by the officer for its payment. Notice of such sale shall be posted up in some public place in the town, at least forty-eight hours before the expiration of said four days.

SECT. 2. This act shall take effect when approved.
[Approved March 16, 1870.]

Chapter 145.

AN ACT to renew the charters of certain banks.

SECT. 1. The charters of Eastern bank, Mercantile bank, and Veazie bank, all of Bangor, and of Lime Rock bank and North bank of Rockland, are hereby extended to the first day of October, eighteen hundred and seventy-five, subject to the provisions of all the general laws upon the subject of banks and banking; provided however, that said banks shall not be required to pay the state tax heretofore imposed so long as they shall be compelled to pay a tax on their circulation under any act of congress.

SECT. 2. Any bank mentioned in the preceding section may accept the provisions of this act at any meeting of the stockholders holden previous to the first day of October next, for the purpose by a two-thirds vote cast on a stock vote, and if said provisions are accepted the cashier shall at once inform the bank examiner and secretary of state thereof.

SECT. 3. This act shall take effect when approved.
[Approved March 17, 1870.]

Chapter 146.

AN ACT to amend sections one and three, chapter eleven, of the revised statutes relating to school districts.

SECT. 1. Section one, chapter eleven, of the revised statutes is hereby amended so as to read as follows:

SECT. 1. A town at its annual meeting, or at a meeting called for that purpose, may determine the number and limits of the school districts therein, but they shall not be altered, discontinued or annexed to others except on the written recommendation of the

municipal officers and superintending school committee, accompanied by a statement of facts, and on conditions proper to preserve the rights and obligations of the inhabitants.

SECT. 2. Section three is hereby repealed and the following section substituted therefor:

SECT. 3. A town may abolish the school districts therein, and shall thereupon forthwith take possession of all the school-houses, land, apparatus and other property owned and used for school purposes which districts might lawfully sell and convey. The property so taken shall be appraised under the direction of the town, and at the next annual assessment thereafter a tax shall be levied upon the whole town equal to the whole amount of said appraisal; and there shall be remitted to the tax payers of each district the said appraised value of its property thus taken, or the difference in the value of the property of the several districts may be adjusted in any other manner agreed upon by the parties in interest. Upon the abolition or discontinuance of any district its corporate powers and liabilities shall continue and remain so far as may be necessary for the enforcement of its rights and duties.

SECT. 8. This act shall take effect when approved. [Approved March 17, 1870.]

Chapter 147.

AN ACT to amend section sixty-one, chapter eighteen, of the revised statutes relating to damages from defective highways.

Section sixty-one, of chapter eighteen, of the revised statutes is hereby so amended as to read thus:

SECT. 61. If any person receive any bodily injury or suffer any damage in his property through any defect or want of repair or of sufficient railing in any highway, town way, causeway or bridge, he may recover for the same in a special action on the case to be commenced within three years from the date of receiving such injury or suffering such damage, of the county, town or persons obliged by law to repair the same, if such county, town or person had reasonable notice of the defect or want of repair. If the life of any person be lost through any such deficiency, his executor or administrator may recover of the parties liable to keep the same in repair, in an action on the case brought for the benefit of the estate of the deceased, such sum as the jury may deem reasonable as damages, if the parties liable had reasonable notice of the deficiency which caused the loss of life; but this act shall not apply to cases now pending, and in any instance where such cause of action has already accrued an action may be commenced within six months from the time this act takes effect. [Approved March 17, 1870.]

Chapter 148.

AN ACT to authorize the treasurer of State to issue registered bonds.

SECT. 1. The treasurer of this state is hereby authorized to issue registered bonds, transferable by assignment, in pieces of not less than one thousand dollars, and of any multiple of one thousand, in exchange for and in lieu of any coupon bonds which have been issued under the laws of this State, bearing the same rate of interest and maturing at the same time as the bonds which he may receive therefor in exchange, but the place of payment prescribed therein shall be the state treasury and not elsewhere; and the said bonds shall be signed by the treasurer, countersigned by the governor, and attested by the secretary of state, with the seal of the state.

SECT. 2. Upon due assignment of any such registered bond and delivery thereof to the state treasurer, an equivalent bond or bonds in form as aforesaid shall be issued to the assignees in substitution therefor.

SECT. 3. All bonds received by the treasurer for exchange under the provisions of this act, shall be effectually effaced and cancelled, and retained in the office of the treasurer; and the secretary of state as well as the treasurer shall keep a register of all bonds issued under the authority of this act, showing the serial number, date, and amount of each certificate, to whom issued, when payable, and also a like description of the bonds received in lieu therefor.

SECT. 4. All coupon bonds issued by this state belonging to either of the sinking funds of this state may be converted into bonds registered in the name of the treasurer, and so much of the act approved February 6, eighteen hundred and sixty-eight, as relates to bonds belonging to said sinking funds is hereby repealed, and any coupon bonds issued by this state held by, or deposited with the treasurer for trust purposes, may be converted into the registered form of bonds hereby authorized whenever the parties depositing them shall desire it.

SECT. 5. This act shall take effect when approved. [Approved March 18, 1870.]

Chapter 149.

AN ACT to regulate the times and places of holding the sessions of the county commissioners for the county of Washington.

SECT. 1. The county commissioners for the county of Washington shall hold sessions in said county, at Machias, on the first Wednesdays next after the first Tuesdays of January and October, and at Calais, on the first Wednesday next after the fourth Tuesday of April.

SECT. 2. All processes, notices and other matters returnable at the session of said commissioners, as now established, on the first Wednesday next after the third Tuesday of October, shall have day in and be acted on, at the session to be held on the first Wednesday next after the first Tuesday of October.

SECT. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 4. This act shall take effect when approved. [Approved March 19, 1870.]

Chapter 150.

AN ACT to amend section eleven, chapter one hundred and thirty-nine of the revised statutes, relating to fees of coroners.

SECT. 1. Section eleven of chapter one hundred thirty-nine of the revised statutes, is hereby amended so as to read as follows:

SECT. 11. The coroner, whether an inquest is held or not, jurors, witnesses and any other person required to summon jurors or witnesses shall be allowed, in addition to the regular fees, a sum sufficient to make a reasonable compensation for all their services and expenses; and the coroner shall pay to the party giving him notice that a dead body has been found and to the person who picked up such dead body, and to the person who has had the care of such body till taken charge of by him, a suitable compensation, which shall be reimbursed as for personal services.

SECT. 2. This act shall take effect when approved. [Approved March 19, 1870.]

Chapter 151.

AN ACT to amend the twenty-second section of the eleventh chapter of the revised statutes relating to powers and obligations of school districts.

SECT. 1. The twenty-second section of the eleventh chapter of the revised statutes is hereby amended by adding the following item after the fifth item in said section, viz.:

'Sixth, To allow the school-house to be used for meetings of religious worship, lectures and other similar purposes.'

SECT. 2. This act shall take effect when approved. [Approved March 21, 1870.]

Chapter 152.

AN ACT additional to "An Act to regulate the sale of intoxicating liquors."

SECT. 1. No person shall travel from town to town or from place to place, in any city, town or plantation in this State, on foot or by any kind of land or water, public or private conveyance whatever, carrying for sale or offering for sale, or offering to obtain or obtaining orders for the sale or delivery of any spirituous, intoxicating or fermented liquors in any quantity, under a penalty of not less than twenty nor more than one hundred dollars for each offer to take an order, and for each order taken, and for each sale so made, to be collected on complaint or by indictment before any Court competent to try the same. One-half of such fine shall be for the benefit of the complainant, and the other half for the benefit of the county in which the offence may be committed.

SECT. 2. The Commissioners shall furnish a printed quarterly statement under oath, commencing June 1, 1870, of all liquors purchased by him, enumerating the different kinds and the quantity of each kind, the price paid and the terms of payment; also, the names of parties of whom the liquors were purchased, and their place of business and date of purchase, which statement shall be sent by mail to each city, town or plantation at the end of each quarter, who are purchasers of his establishment.

SECT. 3. This act shall take effect when approved. [Approved March 21, 1870.]

Chapter 153.

AN ACT to change the time of holding the April term of the supreme judicial court for the county of Lincoln.

The time of holding the term of the supreme judicial court within and for the county of Lincoln is hereby changed to the fourth Tuesday of April in each year, instead of the first Tuesday of April as now fixed by law; and all actions and matters now pending in court, and all writs and other processes returnable to the court to be held on the first Tuesday of April of the present year, shall have day in and be heard at the term of said court to be held on the fourth Tuesday of said month; and all orders of notice in matters now pending may be varied accordingly; and this act shall take effect and be in force when approved. [Approved March 21, 1870.]

Chapter 154.

AN ACT to increase the pay of the attorney-general.

SECT. 1. In addition to the present salary of the attorney-general, there shall be reimbursed to him out of the treasury, annually, a sum equal to the amounts necessarily incurred by him while absent from home on his official business as audited by the governor and council.

SECT. 2. This act shall take effect when approved. [Approved March 21, 1870.]

Chapter 155.

AN ACT to amend section one, chapter fifty-one of the revised statutes, and to repeal chapter one hundred eighty-six of the public laws of the year eighteen hundred and sixty-eight relating to railroads.

SECT. 1. Section one of chapter fifty-one of the revised statutes is hereby amended by striking out all after the word "course," in the third line, so as to read as follows:

SECT. 1. When a petition for a railroad corporation is presented to the legislature, it must state the places where the road is to begin and end, the distance between them and its general course.

SECT. 2. Chapter one hundred and eighty-six of the public laws of the year eighteen hundred and sixty-eight is hereby repealed.

SECT. 3. This act shall take effect when approved. [Approved March 21, 1870.]

Chapter 156.

AN ACT concerning insurance and insurance companies.

SECT. 1. An insurance commissioner shall be appointed by the governor and council, and shall hold his office three years unless sooner removed. The commissioner shall keep a correct record of his doings and of all matters relating to the subject of insurance and insurance companies upon which he may be called officially to act. He shall receive no salary or pay for any services performed by him pertaining to said department except the fees prescribed by this act.

SECT. 2. Such commissioner shall annually examine or cause to be examined every joint stock insurance company and mutual life insurance company incorporated by this state, in such manner as to ascertain its ability to meet its engagements and to do a safe insurance business; and he shall make such other examinations as he may regard necessary for the safety of the public or the holders of policies. In all such cases he may require the officers to produce for examination any and all books and papers of the company, and to answer upon oath all questions which he may propound to them in relation to the condition and affairs of the company; and any officer who shall refuse to produce any such books or papers upon his demand, or to be sworn, or to answer any such question, shall be subject to a penalty not exceeding two hundred dollars. Every insurance company incorporated by this state shall organize within two years after its charter is granted, otherwise the charter shall be void, and upon such organization the company shall inform the commissioner thereof.

SECT. 3. No insurance company incorporated by this state shall commence business by issuing policies until the commissioner shall first examine and ascertain that the company has complied with the terms of its charter, paid in its capital stock, and become qualified to act, and he shall thereupon issue to said company his certificate of that fact, for which service he shall receive from the company a fee of twenty dollars and all traveling expenses; and annually thereafter upon examination so long as such company shall be found solvent and responsible to do business as aforesaid, the commissioner shall issue to it a like certificate and receive a like fee.

SECT. 4. No joint stock insurance company or mutual fire or life insurance company, or co-operative association incorporated by any other state, shall be permitted to do business in this state unless it shall have a bona fide paid up capital or cash assets amounting to one hundred thousand dollars.

SECT. 5. Every mutual fire and mutual marine insurance company incorporated by this state shall

annually make to the commissioner a statement under oath of its secretary or treasurer of its condition according to such form as he may pre-cribe; and to this end he shall furnish all such companies in the month of September of each year with suitable blanks for such purpose to be filled by them, one of which shall be at once filled and returned to said commissioner.

SECT. 6. If upon examination the commissioner is of opinion that any insurance company incorporated by this state is insolvent, or that its affairs and condition are such as to render its further proceedings hazardous to the public or its policy holders, he shall apply to a justice of the supreme judicial court to issue an injunction restraining the company in whole or in part from further proceeding with its business. Such justice or any other justice of said court may thereupon, either with or without notice, issue such temporary injunction or if on notice such temporary or permanent injunction as he may think proper, either of which he may afterwards modify, vacate or perpetuate, and he may also pass such orders as he deems, appoint receivers to receive the assets of the company, and such masters, and do any other act conformable to the general rules of chancery practice as may in his opinion be requisite for the safety of the public and for the best interests of all parties concerned, all which orders and decrees he may in like manner enforce. All such proceedings shall be at once made known to the clerk of the courts for the county, who shall enter them on his docket, place them on file and record them in the records of the court. For his fees the clerk shall receive payment out of the assets of the company, the same to be audited and allowed by the court.

SECT. 7. It shall not be lawful for any insurance company incorporated by any other state or government to transact any insurance business in this state, unless the company shall first obtain a license from the commissioner, authorizing the company so to do. Before receiving such license, the company shall furnish the commissioner with a true certified copy of its charter and by-laws, together with a statement under oath, signed by the president or secretary of the company, showing its financial condition in conformity with such form as may be supplied by the commissioner. Upon receiving such copies and statement, the commissioner shall grant such license if in his opinion the same ought to be granted, which shall authorize the company to do an insurance business in this state subject to the laws of the state until the first day of July then next. And annually thereafter such license may be renewed from year to year, so long as the commissioner shall regard the company responsible and safe as aforesaid, such license in all cases to terminate on the first day of July next succeeding. For such license and each renewal the company shall pay the commissioner the sum of twenty dollars.

SECT. 8. No person shall act as agent of any insurance company until he has produced to the commissioner and filed with him a duplicate power of attorney from the company or its authorized agent, authorizing him to act as such agent. Upon filing such power the commissioner shall thereupon issue a license to such agent, if the company has received a license to do an insurance business in this state, which license shall continue until the first day of July then next, and the same may be renewed from year to year upon production of a certificate from the company that his agency is continued. For each such license and renewal thereof the commissioner shall receive the sum of one dollar. And if any person shall solicit, receive or forward any risk or application for insurance to any insurance company without first receiving such license, or if he shall fraudulently assume to be an agent and thus procure risks and receive money for premiums, he shall forfeit the penalty of not more than fifty dollars for each offence, but any policy issued on an application thus procured shall bind the company if otherwise valid.

SECT. 9. Any person may be licensed by the commissioner as insurance broker to negotiate contracts of insurance, and to effect insurance for others than himself for a compensation, and by virtue thereof he may place risks or effect insurance with any insurance company of this state or with the agents of any insurance company out of the state who have been licensed to do an insurance business in this state, but with no other. For such license, such broker shall pay the sum of five dollars, which shall authorize him thus to act until the first day of July then next, and his license may be renewed or extended from year to year afterwards, ending annually on the first day of July, he paying the same fees at each renewal as above provided. And any person who without such license assumes to act as such broker, shall forfeit the sum of not more than fifty dollars.

SECT. 10. The commissioner shall have power at any time when in his opinion the condition of any insurance company existing under the laws of any other state or government is such as to give just cause to believe that the company is in failing circumstances or unable to do a safe insurance business, upon reasonable notice, to suspend the right of such company to do further business in this state until the disability is removed. And if the company or any of its agents shall, after such injunction or suspension, under this or the previous section six, undertake to do any business by issuing any new policies, such agent or company shall forfeit a penalty not exceeding two hundred dollars. And in order to enable the commissioner to act in the premises, he shall have power at any time to require of any such company a full statement of all its affairs bearing upon the matter of its responsibility in such form as he may prescribe.

SECT. 11. When any insurance company incorporated by any other state or government doing business in this state shall be dissolved, restrained or prohibited from doing business in the place where it is incorporated, and whenever under the last previous section the commissioner may regard the proceeding proper and advisable, he may apply to the supreme judicial court or any justice thereof, either in term time or vacation, setting forth the facts, and thereupon the court or justice may appoint a receiver or receivers, to take possession of the assets of the company in this state, and collect, sell, or dispose of the same as the court or justice may decree, and divide the proceeds pro rata among the creditors in this state, who shall prove their claims before said court or justice before the dividend is made; the balance if any to be paid over to the company or assigns, the proceedings herein provided for to conform to the provision of section six. The receivers may sue and prosecute any action on or for any such assets in their own names as receivers, but subject to all equities which exist between the original or previous parties.

SECT. 12. Every stock insurance company and mutual life insurance company incorporated by this state, and every insurance company incorporated out of this state and doing business therein, shall, annually, on or before the thirty-first day of January, render to the commissioner an exact statement, under oath, of its condition as it existed on the thirty-first

day of December previous, or its last exhibit, setting forth its condition as required by blanks furnished by the commissioner.

SECT. 13. Every insurance company incorporated out of this State, doing business in this state, shall annually cause to be published in some daily or weekly paper, for three weeks successively, published in the county where said company has a duly authorized agent, or takes policies, a condensed statement of its condition conformable to its last annual report to the commissioner. The commissioner shall preserve in a proper form the statements of the condition of every company examined or caused to be examined by him, and all which shall be rendered to him as aforesaid. He shall annually report to the legislature the general condition of the several insurance companies doing business in this state, together with the names and location of their authorized agents in this state, with such suggestion as he may think proper, and in connection therewith shall prepare an abstract of all the returns and statements made to him by said insurance companies.

SECT. 14. Any person having a claim against any insurance company not incorporated by this state, may sue therefor in the courts of this state, and service made upon any authorized agent of said company shall be valid and binding on the company and hold it to answer to such suit; and the judgment rendered in such suit shall bind the company as a valid judgment in every respect, whether the defendants appear or not; this provision to embrace all cases of foreign attachment or trustee suits. For the purpose of receiving notice or service of any fact, proceeding or process, the agent shall be regarded as still authorized until another is appointed. Unless any such judgment shall be paid within thirty days after demand made upon any such agent by the officer holding the execution, the commissioner may, upon notice and hearing of the parties, suspend the power of the company to do business in this state, until it shall be paid, and if the company or any agent thereof shall issue any policy in this state during such suspension, said company and agent shall each forfeit a sum not exceeding one hundred dollars. But any policy so granted shall be valid and binding on the company in favor of the holder.

SECT. 15. All notices and processes which by any law, by-law or provision of any policy, any insured or other person has occasion to give or serve on any company incorporated out of the state, may be given to or served on the agent of said company with like effect as if given to or served on the principal. Such agents and the agents of all companies incorporated in this state shall be regarded as in the place of the company in all respects regarding any insurance effected by them respectively. The company shall be bound by their knowledge of the risks and of all matters connected therewith. Omissions and misdescriptions known to the agents shall be regarded as known by the company, and waived by it the same as if noted in the policy.

SECT. 16. The commissioner shall have power to administer oaths whenever or wherever necessary in all parts of the state, in the performance of the duties of his office.

SECT. 17. Upon application in writing to the commissioner by the officers of any insurance company doing business in this state, stating that they have reason to believe and do believe that any person has procured of said company any insurance by false representations, or that said person has sustained a loss by the fraudulent act of the assured or with his knowledge or consent, and said company requests an investigation thereof, said commissioner or such magistrate as he may appoint, shall summon and examine, under oath, at such time and place as he shall designate, any person or persons, and require the production of all books and papers which may be necessary for a full investigation of the facts, and make report thereof with the testimony by him taken, and report the same to the company making such application. Such investigation shall be at the expense of said company, and it shall pay to the said commissioner or magistrate the witness fees to be taxed as in the supreme judicial court and his expenses, and ten dollars per day for his services.

SECT. 18. Whenever it shall come to the knowledge of the commissioner that the actual funds of any life insurance company doing business in this state are not of a net cash value equal to its liabilities, including the net value of its policies according to the "Combined Experience" or "Actuaries' rate of mortality," with interest at four per cent. per annum, it shall be his duty to give notice to such company and its agents to cease issuing policies within this state. The commissioner may have authority to purchase and use the life valuation tables adopted by the insurance department of Massachusetts for this and all purposes of valuation under this act. When he shall become satisfied that the funds of such company have become equal to its liabilities, valuing its policies as aforesaid, he shall give notice to such company and agents that its business may be resumed in the state. If any officer or agent, after such notice of suspension has been given, shall issue any new policy from or on behalf of such company, he shall forfeit for each offence a sum not exceeding three hundred dollars; and the delivery of a policy in this state by mail or otherwise shall be deemed an issuing of such policy.

SECT. 19. In case any company whose operations shall have been suspended by the commissioner shall be dissatisfied with the decision of the commissioner in suspending it or in refusing to allow it, upon application therefor, to resume business, it may petition the supreme judicial court for a revision of such decision. The petition may be presented to any justice of said court in vacation or term time, and he shall cause notice to be given to the commissioner of the time and place of hearing, which may be in chambers, and in vacation, and upon such hearing affirm or reverse the decision of the commissioner, and the decision of such justice shall be final.

SECT. 20. All life policies and money due on the same are exempt from attachment and from all claims of creditors during the life of the insured, where the annual cash premium paid does not exceed one hundred and fifty dollars, and when it exceeds that sum if the premium has been paid by the debtor his creditors have a lien on the policy or policies for such an amount in excess of one hundred and fifty dollars per year as the debtor may have paid for two years, subject however to any pledge or assignment thereof made in good faith.

SECT. 21. This act shall not be so construed as to apply to any foreign marine insurance company which does not appoint agents to represent it in this state, or to interfere with the rights of any citizens to effect insurance with such company, either by making application in person or employing other persons, licensed as aforesaid to negotiate such insurance.

SECT. 22. All penalties provided by this act may be recovered in an action of debt in the name of the state, and the same shall enure to the state when collected. The county attorney for the county where

the forfeiture is incurred shall sue therefor at the direction of the commissioner.

SECT. 23. Section third of chapter forty-nine of the revised statutes is amended by striking out all the words in the last line after "share;" sections twenty-one, twenty-two, thirty-nine and forty of same chapter; also chapter sixty-seven of the public laws of eighteen hundred fifty-nine; chapter two hundred and thirteen of the public laws of eighteen hundred sixty-three; section two of chapter one hundred and ninety-four of the laws of eighteen hundred sixty-eight, and all of chapter two hundred and twenty of the public laws of eighteen hundred sixty-eight, relating to insurance, are hereby repealed, saving all rights existing and all actions pending under any of such repealed acts.

SECT. 24. No person holding the office of insurance commissioner under this act, shall at the same time hold the office of examiner of banks, and if the fees under this act amount to a sum greater than two thousand five hundred dollars, the balance over and above said sum shall be paid by said commissioner into the treasury of the state, and the commissioner is hereby directed to keep an accurate account of said fees received, and account for the same annually with the governor and council.

SECT. 25. This act shall go into force and take effect on the first day of July next, but the commissioner may be appointed at any time after its approval.

[Approved March 21, 1870.]

Chapter 157.

AN ACT additional to "An Act to amend chapter one hundred and one of the laws of eighteen hundred and fifty-nine, relating to drainage."

SECT. 1. The act entitled "An Act to amend chapter one hundred and one of the laws of eighteen hundred and fifty-nine, relating to drainage," approved by the governor on the tenth day of March, eighteen hundred and seventy, shall not be applied to nor have any effect, operation, or force in any case in which a suit at law or in equity involving the question of the right of any person or corporation to construct, continue or deepen any drain, was pending in any court in this state when said act was approved.

SECT. 2. This act shall take effect when approved.

[Approved March 21, 1870.]

Chapter 158.

AN ACT to amend an act entitled "An Act to regulate the river and interior fisheries," approved March twelfth, eighteen hundred and sixty-nine.

SECT. 1. Section four of chapter seventy of the public laws of eighteen hundred and sixty-nine, is amended by adding at the end of said section the words, "provided, that in case of a disagreement between the commissioner of fisheries and the owner of any dam as to the propriety and safety of the plan submitted to the owners of such dam for the location and the construction of the fishway, such owner may appeal to the county commissioners of the county where the dam is located, if he does so within thirty days after notice of the determination of the commissioner or person authorized by him, and not otherwise, and at the request of the commissioner of fisheries, the senior commissioners in office of any two adjoining counties shall be associated with them, who shall appoint a time to view the premises and hear the parties, and shall give due notice thereof; and after such hearing they shall decide the question submitted and cause record to be made thereof, and their decision shall be final as to the plan and location appealed from. If they decide against the owner their cost shall be paid by him, otherwise by the county," so that said section as amended shall read as follows:

SECT. 4. Every dam or other artificial obstruction in any river or stream naturally frequented by salmon, shad or alewives, shall be provided by the owner or occupant thereof with a durable and efficient fishway, of such form and capacity and in such location as may be determined by the commissioner of fisheries or by any person authorized by him to determine the same. It shall also be incumbent on the owner or occupant of the dam to keep the fishway in repair and open and free from obstruction for the passage of fish during such times as may be prescribed by law; provided that in case of a disagreement between the commissioner of fisheries and the owner of any dam as to the propriety and safety of the plan submitted to the owners of such dam for the location and construction of the fishway, such owner may appeal to the county commissioners of the county where the dam is located, if he does so within thirty days after notice of the determination of the commissioner or person authorized by him, and not otherwise, and at the request of the commissioner of fisheries the senior commissioners in office of any two adjoining counties shall be associated with them, who shall appoint a time to view the premises and hear the parties, and shall give due notice thereof, and after such hearing they shall decide the question submitted and cause record to be made thereof, and their decision shall be final as to the plan and location appealed from. If they decide against the owner their cost shall be paid by him, otherwise by the county.

SECT. 2. All orders issued by said commissioner for opening a fishway in any dam and not yet complied with, are suspended during the time allowed by this act for an appeal, and no longer, and within thirty days after the passage of this act, the owner of such dam may make his appeal to the county commissioners, as provided in the preceding section; if they affirm the order of the commissioner on fisheries, they shall fix the time not longer than six months, in which such fishway shall be completed; but if they disaffirm such order, it shall be void.

SECT. 3. This act shall take effect when approved.

[Approved March 21, 1870.]

Chapter 159.

AN ACT to amend chapter eleven of the revised statutes relating to the employment of teachers.

SECT. 1. Sections ten, forty-eight, fifty-four and fifty-five of the eleventh chapter of the revised statutes, and the items or specifications marked "second" and "fourth" of the fifty-third section of the same chapter are hereby repealed.

SECT. 2. The eleventh section of the same chapter is amended so as to read as follows:

SECT. 11. Any town failing to elect members of superintending school committee or supervisor, as required by law, shall forfeit not less than thirty nor more than two hundred dollars.

SECT. 3. The fifth specification or item of section twenty-two of the same chapter is amended so as to read as follows:

Fifth. To instruct the superintending school committee or supervisor at what time the schools shall commence, if they find it practicable.

SECT. 4. The thirty-first section of the same chapter is amended so as to read as follows:

SECT. 31. A school district at a legal meeting may determine what proportion of their school money shall be expended for the support of a summer school,

and the superintending school committee or supervisor shall expend it accordingly, if practicable.

SECT. 5. The first item or specification of section forty-nine of the same chapter is amended so as to read as follows:

First. They shall appoint suitable times and places for the examination of candidates proposing to teach in town and give notice thereof by posting the same in two or more public places within the town at least three weeks before the time of said examination, or the publication for a like length of time of said notice in one or more of the county newspapers having the largest circulation in the county. They shall employ teachers for the several districts in the town and notify the several school agents of the teachers employed and the compensation agreed to be paid.

SECT. 6. The eleventh item or specification of section forty-nine of the same chapter is amended so as to read as follows:

Eleventh. Determine what description of scholars shall attend each school, classify them, and transfer them from school to school in districts where more than one school is kept at the same time and no district committee is elected, and may authorize the admission of scholars in one district into the schools of another district.

SECT. 7. The third item or specification of section fifty-three of the same chapter is amended so as to read as follows:

Third. To provide fuel and utensils necessary for the schools, and make repairs upon the school-houses and out-buildings and procure insurance of the same if the district so direct; but no more than one-tenth of the money apportioned to the district shall be expended for such repairs in one year, exclusive of fuel and insurance.

SECT. 8. The fourth item or specification of section fifty-three of the same chapter, shall read as follows:

Fourth. He shall, within the year for which he is chosen, perform all the duties required of him by law; and if he refuses or neglects so to do, as far as practicable, the municipal officers, on complaint of any inhabitant of the district, and after due notice and investigation, may appoint a special agent to discharge such duties, who shall be duly sworn, have all the powers and perform all the duties of school agent for the district.

SECT. 9. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect when approved.

[Approved March 21, 1870.]

Chapter 160.

AN ACT amendatory of "An Act to amend chapter two hundred and twenty-four of the laws of eighteen hundred and fifty-six relating to the charter of the State Agricultural Society," approved March first, eighteen hundred and seventy.

SECT. 1. Section two of "An Act relating to the charter of the State Agricultural Society," approved March first, eighteen hundred and seventy, is hereby amended so as to read as follows:

SECT. 2. At each annual meeting of said society it shall elect by ballot a president, secretary, treasurer, trustees and other necessary officers.

SECT. 2. This act shall take effect when approved.

[Approved March 21, 1870.]

Chapter 161.

AN ACT relative to the selection and empaneling of juries for the trial of civil causes and criminal cases other than capital.

SECT. 1. A jury for the trial of each civil cause and of every criminal case other than capital, shall be empaneled in the manner hereinafter provided, and all acts and parts of acts inconsistent herewith are hereby repealed.

SECT. 2. When any such civil or criminal case is in order for trial, and before proceeding to its trial, the clerk, under the direction of the court, may, at the request of either party, place the names of all jurors who are legally summoned and in attendance, and not engaged in the trial of any other cause, separately upon tickets in a box, and the names shall be drawn from the box by the clerk, after having been thoroughly mixed, one at a time, for the purpose of constituting a jury; and each party shall have a right peremptorily to challenge two jurors; but all peremptory or other challenges and objections to a juror drawn, if then known, shall be made and determined and the juror sworn or set aside before another name is drawn, and so on until the panel is completed. A new jury shall be thus drawn for the trial of each and every cause; and after the panel is thus completed the presiding justice shall appoint one of their number to be foreman for the trial of the case to be tried by that jury.

SECT. 3. This act shall take effect on and after the first day of May, in the year of our Lord one thousand eight hundred and seventy.

[Approved March 21, 1870.]

Chapter 162.

AN ACT additional to "An Act respecting actions against executors and administrators," approved February third, eighteen hundred and sixty-nine.

SECT. 1. The act entitled "An Act additional to chapter eighty-seven of the revised statutes," approved February third, eighteen hundred and sixty-nine, is hereby amended by adding thereto the following words, to wit: "This act shall not apply to any case where the executor or administrator resides out of this state at the time of the bringing of the action."

SECT. 2. This act shall take effect when approved.

[Approved March 21, 1870.]

Chapter 163.

AN ACT relating to injunctions.

SECT. 1. Whenever a judge of the supreme judicial court shall order a writ of attachment to be issued against any person for contempt in refusing or neglecting to obey any decree, decision or order of said court or of any member thereof, returnable to the next term, and such person has been arrested and given bail thereon, according to the rules of said court for practice in chancery, if such person shall afterwards, before the next term of the court, again violate the said decree, order or decision, a second writ of attachment may be issued, upon proper proceedings therefor, returnable to the next term on which he shall not be bailable.

SECT. 2. This act shall take effect when approved.

[Approved March 21, 1870.]

Chapter 164.

AN ACT additional to chapter forty-six of the revised statutes, concerning corporations.

SECT. 1. Any corporation established by the laws of this state, at a legal meeting of its stockholders, may vote to change its name and adopt a new one; and when the proceedings of such meeting certified by the clerk thereof, are returned to the office of the secretary of state to be recorded by him, the name shall be deemed changed, and the corporation, under its new name, shall have the same rights, powers and

privileges, and be subject to the same duties, obligations and liabilities as before, and may sue and be sued by its new name; but no action brought against it by its former name shall be defeated on that account, but on motion of either party, the new name may be substituted therefor in the action.

SECT. 2. This act shall take effect when approved. [Approved March 23, 1870.]

Chapter 165.

AN ACT for the preservation of certain birds.

SECT. 1. Whoever takes, kills, destroys or pursues with the intent of killing, destroying or taking with dogs, guns, traps, nets, snares, pitfalls, or any other device or contrivance whatsoever, any of the birds commonly known as larks, robins, partridges, grouse, swallows, quail, woodcocks, sparrows or snipes, except between the first day of September and the first day of February, he shall forfeit for every such bird not less than five nor more than ten dollars, to be recovered by complaint before any municipal or police court or trial justice, one-half for the use of the complainant and the other to the use of the town where the offence is committed.

SECT. 2. Whoever shall have in his possession any of the birds mentioned in the preceding section, except between the first day of September and the first day of February, such person shall be deemed to have killed the same, and shall be liable to the same penalties prescribed in the preceding section.

SECT. 3. Chapter eleven of the public laws of eighteen hundred and fifty-eight is hereby repealed.

SECT. 4. This act shall take effect when approved. [Approved March 23, 1870.]

Chapter 166.

AN ACT additional to chapter eighty-two of the revised statutes relating to proceeding in court.

In an action for a breach of covenant against incumbrances contained in a deed of real estate, when the incumbrance is a right of dower, if such dower has been assigned and not released, the value thereof shall be the measure of damages; but if it has been demanded and not assigned, on application of the plaintiff, the court shall cite the claimant of dower to appear and become a party by personal service made fourteen days before the term of court to which it is returnable; if she does not appear, or if she appears and refuses to release such right of dower, the court shall appoint three commissioners to assign the same, who shall proceed in the manner provided for commissioners appointed by the probate court; and when their report is made and accepted by the court, shall be a legal assignment of dower, and the value thereof shall be the measure of damages in said action. [Approved March 23, 1870.]

Chapter 167.

AN ACT additional to section fifty-two of chapter eighty of revised statutes, relating to sheriffs.

Section fifty-two of chapter eighty of revised statutes is hereby amended by adding thereto as follows: "And no person employed by any sheriff, jailer, or other person in charge of any prison, or jail, in this state, in the capacity of turnkey, clerk, or in any other capacity about such prison or jail, shall hereafter exercise any of the duties, powers or privileges pertaining to any magistrate of this state, nor act as attorney for any person confined in such prison; and any such act, so done by any such person in the capacity of such magistrate or attorney, shall be void." [Approved March 23, 1870.]

Chapter 168.

AN ACT to authorize towns to provide books for the use of pupils in the public schools.

SECT. 1. Towns, cities and plantations, are hereby empowered to raise money to provide school-books for the use of the pupils in their public schools, at the expense of said town, city or plantation, or to furnish them at cost to the pupils; and all money raised and appropriated for that purpose, shall be assessed in the same manner as that in which other moneys raised for lawful purposes are assessed.

SECT. 2. Whenever the superintending school committee shall have made a selection of school-books as is required by law, they are hereby authorized under the provisions of the preceding section to contract with the publishers for the purchase and delivery of the same, and shall make such rules as they may deem reasonable and effectual for the preservation and return of the school-books thus provided; or if kept for sale, shall regulate the same, by appointing some suitable person as agent to have and to sell, and the retail price shall be fixed by them and marked upon the title-page of each book.

SECT. 3. This act shall take effect when approved. [Approved March 23, 1870.]

Chapter 169.

AN ACT to repeal chapter forty-five of the revised statutes, relating to interest.

Chapter forty-five of the revised statutes, and all acts additional or amendatory thereto, passed prior to eighteen hundred and seventy, are hereby repealed. [Approved March 23, 1870.]

Chapter 170.

AN ACT to change the time of holding the September term of the Supreme Judicial Court in the county of Knox, and to establish another term of said Court therein.

SECT. 1. The September term of the Supreme Judicial Court holden in and for the county of Knox, shall hereafter be holden on the third Tuesday of September instead of the fourth Tuesday, as now provided by law; and all writs, processes, petitions, orders, decrees, reports, certificates, warrants, complaints, appeals, indictments, and matters of every kind, civil and criminal, which would but for the provisions of this act be returnable to and have day at the term of said court, holden on the fourth Tuesday of September next, shall be returnable to and have day at the court to be holden on the third Tuesday of September next.

SECT. 2. An additional term of said Supreme Judicial Court is hereby established to be begun and holden at Rockland in and for our county of Knox,

on the second Tuesday of December annually for the transaction of civil and criminal business.

SECT. 2. This act shall take effect when approved. [Approved March 23, 1870.]

Chapter 171.

AN ACT additional to chapter seventy of the public laws of eighteen hundred sixty-nine, to regulate the river and interior fisheries.

SECT. 1. The provisions of this act and the act to which this is additional, shall apply to all the fresh waters of this state above the flow of the tide, and to all the tidal waters frequented by the various species of fresh water and migratory fishes, with such exceptions as may be hereinafter mentioned.

SECT. 2. Prior to the first day of May, eighteen hundred seventy-two, no salmon shall be taken or fished for in any manner in the Aroostook, Presque Isle and Meduxnakeag rivers, under a penalty of not more than twenty nor less than ten dollars, and a further penalty of ten dollars for every salmon so taken.

SECT. 3. Whoever shall take any black bass during the months of April, May and June, or at any time from their spawning beds, shall forfeit for each offence not more than twenty nor less than five dollars, and a further penalty of one dollar for each black bass so taken.

SECT. 4. No smelts shall be taken or fished for in any other manner than by hook and line or dip-net between the first day of March and the first day of November of each year, under a penalty of not more than fifty nor less than ten dollars for each offence.

SECT. 5. No net, other than a dip-net, whose meshes are smaller than one inch square in the clear, shall be used in any waters frequented by migratory fishes, between the first day of March and the first day of November in any year, under a penalty of not more than twenty nor less than ten dollars for each offence.

SECT. 6. Any riparian proprietor may, within the limits of his own premises, inclose the waters of a stream not navigable, for the cultivation of useful fishes; provided, he furnishes a suitable passage for migratory fishes naturally frequenting such waters, and does not obstruct the passage of boats and other craft and materials in places where the same have a right to pass.

SECT. 7. Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own waters how and when he pleases, and may at all times sell them for these purposes, but shall not sell them for food at seasons when the capture of such fish is prohibited by law.

SECT. 8. Whoever fishes in that portion of a pond, stream or other water in which fishes are lawfully artificially cultivated or maintained, without the permission of the proprietor, shall forfeit not more than fifty nor less than ten dollars, and one dollar for every fish so taken.

SECT. 9. The governor with the advice of the council shall appoint fish wardens wherever the same may be necessary. It shall be the duty of such wardens to enforce the provisions of all public laws relating to fisheries; they shall have all the powers given to fish wardens by section eleven of chapter seventy of the public laws of eighteen hundred sixty-nine, each person so appointed shall hold office for three years unless sooner removed, and his pay shall be fixed by the governor and council, who shall audit his accounts and cause the same to be paid from the state treasury, provided that the total amount paid to all the wardens shall not exceed one thousand dollars annually.

SECT. 10. Chapter seventy of the public laws of eighteen hundred sixty-nine is hereby amended by striking out sections one, nine, ten, fourteen and thirty-one.

SECT. 11. Said chapter is further amended in the twelfth section by inserting after the word "close-time" in the twelfth line the words "to the intent that during said weekly closetime the fish may have a free and unobstructed passage through such weir or other structure, and no contrivance shall be placed in any part of such structure which shall tend to hinder such fish."

SECT. 12. Said chapter is further amended in the thirtieth section by striking out the words "the stream from Walker's pond in Brooksville," and the words "that portion of the Penobscot river and its tributaries below Orphan's island, also the Kennebec river below Lee's island," so that said section as amended shall read as follows:

SECT. 30. The following waters and their tributaries are exempt from the operation of the provisions of this act relating to the migratory fishes, and the supervision of fishways by the commissioners, that is to say: Royall's river in North Yarmouth; Sewall's pond or its outlet in Arrowsic; Nequasset stream in Woolwich; Damariscotta river; Duck trap stream in Lincolnville and Belmont; the Eastern Penobscot river in Orland; Winslow's and Leach's streams in Penobscot; all waters in Vinalhaven, Bluehill, Tremont, Mount Desert, Eden, Franklin and Sullivan; Tunk river in Steuben; Pleasant river in Washington county; East Machias river, and Cobscook or Orange river in Whiting.

SECT. 13. The following waters are exempt from those provisions of this act and of chapter seventy of the public laws of eighteen hundred sixty-nine, which relate to the capture of salmon, shad and alewives; namely, Dennys' river and its tributaries, and Pinnaquan river and its tributaries.

SECT. 14. The provisions of sections twenty-two, twenty-four, twenty-five and twenty-nine of the act to which this is additional shall apply to this act.

SECT. 15. All acts relating to fisheries in the stream from Gray's pond or Walker's pond in the towns of Sedgwick and Brooksville, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 16. This act shall take effect when approved. [Approved March 23, 1870.]

Chapter 172.

AN ACT to amend an act entitled "An Act to amend section ten of chapter eighty-seven of the revised statutes," relating to the survival of actions, approved March eleventh, eighteen hundred and seventy.

SECT. 1. Section one of the act entitled "An Act to amend section ten of chapter eighty-seven of the revised statutes," approved March eleventh, eighteen hundred and seventy, is amended, by adding to said section the following words: "and the survivors, if

there are any, on both sides of the action, may testify as witnesses."

SECT. 2. This act shall take effect when approved. [Approved March 23, 1870.]

Chapter 173.

AN ACT to repeal the acts consolidated in the revised statutes of the year one thousand eight hundred and seventy.

SECT. 1. The public acts passed during the years hereafter named and herein designated are repealed, except so far as they are preserved or excepted in the following sections; but no other acts are hereby repealed:

1857. All the chapters of the revised statutes of eighteen hundred and fifty-seven, numbered one to one hundred and forty-three, inclusive.

1858. Chapters numbered one to fifty-four inclusive, except chapters nine, twenty, twenty-two, forty-nine and fifty.

1859. Chapters numbered fifty-five to one hundred and twenty-four, inclusive, except chapters fifty-seven, sixty-five, eighty-three, eighty-eight, ninety, one hundred and nineteen, and one hundred and twenty-two.

1860. Chapters numbered one hundred and twenty-five to one hundred and ninety-three, inclusive, except chapters one hundred and seventy-two and one hundred and eighty-one.

1861. Chapters numbered one to sixty-four, inclusive, except chapters twenty, forty-nine, sixty-one and sixty-three.

1862. Chapters numbered sixty-five to one hundred and fifty-five inclusive, except chapters seventy-one, eighty-three, one hundred and six, one hundred and eight, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and thirty-nine, one hundred and forty-two, one hundred and forty-three, one hundred and fifty-three and one hundred and fifty-four.

1863. Chapters numbered one hundred and fifty-six to two hundred and eighteen inclusive, except chapters one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-six, two hundred and three, two hundred and five, sections seven and eight of chapter two hundred and ten, and chapter two hundred and eighteen.

1864. Chapters numbered two hundred and nineteen to two hundred and eighty-one inclusive, except chapters two hundred and nineteen, two hundred and twenty, two hundred and twenty-one, two hundred and twenty-seven, section three of chapter two hundred and fifty-four, chapters two hundred and fifty-five, two hundred and fifty-seven, two hundred and fifty-nine, two hundred and sixty-six, two hundred and sixty-nine and two hundred and seventy-three.

1865. Chapters numbered two hundred and eighty-two to three hundred and thirty-five inclusive, except chapters two hundred and eighty-two, two hundred and eighty-five, two hundred and ninety-eight, three hundred and three, three hundred and seven, three hundred and eleven, three hundred and seventeen, three hundred and twenty-eight and three hundred and thirty-one.

1866. Chapters numbered one to fifty-nine inclusive, except chapters one, seventeen and forty-eight.

1867. Chapters numbered sixty to one hundred and thirty-three inclusive, except chapters sixty, sixty-six, eighty-six, one hundred and nine, one hundred and twenty-eight, and one hundred and thirty-three.

1868. Chapters numbered one hundred and fifty-nine to two hundred and twenty-six inclusive, except chapters one hundred and seventy, one hundred and seventy-three, one hundred and ninety-five, and two hundred and twenty-five.

1869. Chapters numbered one to seventy-six inclusive, except chapters one, sixteen, nineteen, thirty, section three of chapter thirty-one, and chapter forty.

1870. Chapters numbered seventy-seven to one hundred and seventy inclusive, except chapters eighty-four, eighty-nine, section nineteen of chapter one hundred and twenty-one, section seven of chapter one hundred and twenty-five, section two of chapter one hundred and thirty-one, chapters one hundred and forty-five, one hundred and fifty-seven, section two of chapter one hundred and fifty-eight, chapter one hundred and sixty-nine.

SECT. 2. The repeal of the acts aforesaid does not revive any of the acts repealed by them. Acts of incorporation declared to be public acts are not repealed. The acts declared to be repealed remain in force for the trial and punishment of all past violations of them; and for the recovery of penalties or forfeitures already incurred; and for the preservation of all rights and their remedies existing by virtue of them; and so far as they apply to any office, trust, judicial proceeding, right, contract, limitation, or event, already effected by them.

SECT. 3. This act shall take effect from and after the first day of February, eighteen hundred and seventy-one. [Approved March 23, 1870.]

Chapter 174.

AN ACT to amend section eleven of chapter seventy-one of the revised statutes, relating to sales of real estate.

Said section is amended by inserting after the word "estate," in the tenth line thereof, the words "or any part thereof." [Approved March 23, 1870.]

Chapter 175.

AN ACT concerning specie payments.

SECT. 1. Chapter seventy-one of the laws of eighteen hundred and sixty-two, entitled "An Act to suspend certain provisions in chapter fifty-seven of the revised statutes concerning banks," is hereby continued in force until the fifteenth day of February, eighteen hundred and seventy-one; provided said banking corporations shall, upon demand, pay or tender payment of their bills, checks or drafts in lawful money of the United States.

SECT. 2. This act shall take effect when approved. [Approved March 24, 1870.]